

# EXHIBIT “A”



**PIETRAGALLO**  
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# **INVESTIGATION OF JUNE 23, 2018 INCIDENT**

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**REDACTED**



**REDACTED**



**REDACTED**



**SCOPE OF WORK**

We interviewed 41 individuals in person, by phone or both. We reviewed various text messages of the party maintained by guests on their cell phones or on social media accounts, we reviewed photographs, we reviewed Dr. Phillips' responses to written questions, as well as photographs of Dr. Phillips taken after June 23, 2018.

**BACKGROUND**

**Dr. John Abraham**

Dr. John Abraham is a Rothman Orthopaedic Institute ("Rothman") employee. Rothman is part of the Jefferson Department of Orthopaedics. According to Rothman's website, Dr.

Abraham is board certified in Orthopaedic Surgery and Orthopaedic Oncology Surgery. Dr. Abraham is the Director of the Musculoskeletal Oncology Center at Thomas Jefferson University Hospital and the Kimmel Cancer Center. He specializes in the treatment of bone and soft tissue sarcomas (bone cancer), and metastatic cancer to the bones. Dr. Abraham is also the “chief of the Orthopaedic Oncology service” at Rothman.

#### Jefferson’s Orthopaedic Residency Program

The Jefferson orthopaedic residency is a five year program. The residents train with Rothman Institute surgeons. (Miller) There are six residents in each class. (Krietz) Residents do rotations or “services” in each of the orthopedic specialties.<sup>1</sup> (Ciccotti) Residents do an eight week Orthopaedic Oncology service with Dr. Abraham during their 4<sup>th</sup> year. During that service, the residents work with Dr. Abraham every day. (Krietz)<sup>2</sup>

#### Dr. Jessica Phillips

Dr. Jessica Phillips is a Jefferson orthopaedic resident. On June 23<sup>rd</sup>, Dr. Phillips was completing her 2<sup>nd</sup> year of the residency program.

#### Dr. Abraham’s Oncology Party/Resident Party

Dr. Abraham hosts an “Oncology Party” at his home every year. Dr. Abraham had always hosted the party for the senior orthopedic residents (4<sup>th</sup> and 5<sup>th</sup> years) and his staff over Memorial Day weekend. Prior to 2018, the Oncology Party was limited to senior residents who already spent time with him, as well as some staff and device sales representatives. (Buchel, Domanico, Kreitz)

Approximately 30 to 40 people attended the Oncology Party last year (2017). It was a pool party. Dr. Abraham’s wife was there. Nothing unusual occurred. Alcohol was served – beer, wine, and liquor. The party was catered. Miller, Kreitz and their co-residents were there. (Miller/Krietz) Miller explained that the party was a nice way for Dr. Abraham to thank residents for their hard work and staff for coordinating his busy schedule. (Miller)

### **REDACTED**

**REDACTED** According to Orthopaedic Department’s Specialty Team Supervisor Jeannette Domanico, when she told Dr. Abraham earlier this year (2018) that she – once again – would not be attending his party because it was held Memorial Day weekend, Dr. Abraham said he would move the party to June. (Domanico) Dr. Abraham also opened the party to all residents, not just 4th and 5th year residents. (Miller/Kreitz).

<sup>1</sup> All 5th year residents (or Postgraduate year (PGY) 5) are “chief residents.” (Kreitz)

<sup>2</sup> According to Tracey Boyle, Abraham’s “team” includes Boyle, Deborah Pawlicki, Brooke Bower McClosky, Anthony Sanrocco. Others also work for Dr. Abraham but not as regularly, such as Registered Nurse First Assistants (RNFA) are Joseph Kots and Sharlene Mealey and tech Vince DeJoseph.

In addition to sending an email invitation, Dr. Abraham told the Specialty Team Supervisors to “spread the word.” (Buchel, Domanico) A number of staff members told us they learned of the party through other staff members, not Dr. Abraham directly. (Rosanova, Song) Krietz reported that there were more people at the party this year (2018). Kreitz believes Abraham is divorced. His wife was not at the party this year.

#### **Dr. Abraham’s College “Roommate Gathering” or “Roommates Weekend”**

Several of Dr. Abraham’s college roommates – Ali Dibadj (“Dibadj”), Dr. Michael Chen (“Michael”), Dr. Swaine Chen (“Swaine”)<sup>3</sup>, Dr. James Lee (“Lee”) and Dr. Suresh Magge (“Maggee”) - were in Philadelphia the weekend of June 23<sup>rd</sup> for a “roommate gathering” or “roommate weekend.” This was their third “roommate weekend.” They largely coordinate around Swaine’s travel schedule and plan for when he is in the U.S.

On Friday, June 22<sup>nd</sup>, Dr. Abraham, Swaine, Michael, Dibadj, and Magee (who only stayed on Friday) went to a restaurant for dinner. They stayed at Abraham’s house on Friday night. Dibadj, Michael, and Swaine decided they would attend Abraham’s party on June 23<sup>rd</sup> because they were already in town. Lee, who lived in Philadelphia, was at the party for a short time as well.

### **INTERVIEWS**

We interviewed various staff members, residents, sales representatives, the caterer, bartender, and the drummer from the band that played at the party. We asked each interviewee about his or her professional and social interactions with Dr. Abraham and Dr. Phillips. We also asked each interviewee if he or she had previously seen or heard of inappropriate conduct by or involving Dr. Abraham or Dr. Phillips. We reviewed two handwritten statements provided by Dr. Phillips in lieu of an interview. We interviewed Dr. Phillips’ husband, limited to his interaction with Dr. Abraham after the incident. We also interviewed three individuals identified by Dr. Phillips as witnesses to her character for truthfulness.

We interviewed Dr. Alex Viccaro, Dr. Karen Novielli, Dr. James Purtill and Kristin Barrett concerning Jefferson’s response to Dr. Phillips’ complaint.

#### **Residents**

#### **5<sup>th</sup> Years at Time of Party – Now Graduated**

**Dr. David Beck** graduated from Jefferson’s orthopaedic residency program on June 30, 2018. He went to Amherst College, NYU Medical College, and TJU for residency, and is moving to a fellowship in Baltimore.

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<sup>3</sup> We refer to Dr. Michael Chen and Dr. Swaine Chen by their first names to avoid confusion.

Beck rotated with Dr. Abraham during his 4th year. Before his rotation with Abraham, Beck was “scared of him because of the complicated services he performs.” As a 4th year, he developed a deep relationship with Abraham. After long days in the OR, Abraham would take him for dinner or drinks. He has never heard of any inappropriate behavior involving Abraham. Prior to his 4th year, he did not socialize with Abraham. Beck went to Abraham’s 2017 summer party with his wife Victoria and his child but did not attend Abraham’s prior parties because he was not invited. Beck heard that Abraham socialized more before he was married and had twins.

Beck had a work-relationship with Phillips. He was a 4th year when she was a 1st year resident. The 4th year residents would supervise the 1st years. Beck had no real relationship with Phillips outside of work. Phillips “seems anxious,” but he had no problems with her. She is professional and proper. She would joke around a little bit but ultimately focused on work. Their conversations were solely about work. Beck said that her residency class was not as cohesive as the other resident classes. Outside of the events the residents have to attend, he does not see Dr. Phillips and nothing stood out to him at those events.

**Dr. Andrew Miller** graduated from Jefferson’s orthopaedic residency program in June 2018. He graduated shortly after the incident at issue. He is now in Minnesota doing a Hand Fellowship at the Mayo Clinic.

Miller spent two months during his 4th year (Nov-Dec 2016) doing a rotation with Dr. Abraham. The rotation is intensive due to patient complexity. Dr. Abraham has complicated patients in clinic and in the operating room (“OR”). During that rotation residents start to gain independence and progress a lot. Prior to that rotation, when a junior resident, Miller had a couple of random days with Dr. Abraham. Dr. Miller had not heard of Dr. Abraham saying or doing anything inappropriate at work. Miller said Abraham was very professional. He is very friendly and outgoing and never seemed frustrated or angry.

Miller has socialized with Dr. Abraham outside of work. When Miller was on Abraham’s service, after OR or a long day in clinic, they would grab beer and talk about the day. He gave good advice regarding fellowships, career and life. When Miller finished his service, he and his girlfriend went out with Dr. Abraham and his wife (2017). Miller invited Abraham to his wedding with just a few other surgeons (Abraham was not able to attend). Asked if he has seen or heard any inappropriate behavior/conduct by Abraham when they were out socially, Miller said Abraham would joke around. He said it was “guy humor, locker rumor humor.” Miller clarified that he never heard Dr. Abraham say or do anything strange, inappropriate, malicious, in poor taste, misogynistic or discriminatory. Abraham has not said anything demeaning of women.

At the beginning of this past year, Miller was on joint replacement service with Dr. Purtill. Phillips was the junior resident (July – August 2017). That was the only service they worked on together. Miller described Phillips as a hard worker and punctual. She seemed to get assignments done. She would prepare ahead of time. He said they would laugh or joke about an attending but nothing inappropriate, abnormal or strange. He said she is kind of quiet. She was not overly social. They did not spend a lot of time together outside of the OR. They would both attend work related events, resident/house staff parties, journal club. There was nothing that

impressed him as extroverted or gregarious about her. He could not recall anything inappropriate in social settings.

**Dr. Tyler Kreitz** graduated from Jefferson's orthopaedic residency program on June 30, 2018. He graduated from Gettysburg College (2009) and Georgetown Medical School (2013). He began a fellowship at Rush in Chicago in September. As a "junior resident", Kreitz would speak to Dr. Abraham occasionally, generally to talk to him about a consult. Last spring, as 4th year resident, he did his service with Dr. Abraham. During that period he spoke to Dr. Abraham every day. Dr. Abraham was a good mentor, good surgeon. Kreitz enjoyed working with him. Kreitz said Abraham had always been appropriate and above board.

Kreitz had worked with Dr. Phillips when they were both at Bryn Mawr Hospital last fall. Phillips was an intern on the floor. Kreitz was in the operating room. Phillips would run things by Kreitz. Kreitz thought she was a good resident. He had never known Phillips to hit on others until this party when she had her arm around two men.

Kreitz said his girlfriend Anna is not fond of Phillips. She thinks Phillips is "handsy." Kreitz could not cite to a particular incident that made Anna think that. He said some things stand out – earlier in the year, Kreitz did not think Phillips was helping her fellow residents. He had a discussion with her and told her he knew it was hard but she had to be team player. Kreitz saw her outside of the hospital two days later. He was with Anna. Phillips came up to them at their table. She was complimenting them and said they were a good looking couple and she had to say hi. Kreitz thought that was odd. Phillips also texted Kreitz unprovoked. She texted "silly things" like "I saw you got a wawa hoagie." Another example was: "potato chips again?" Asked if he thought she was flirting, Kreitz said he did not think so, he just thought the texts were strange. He said there was nothing suggestive or flirty. Anna thought they were flirty. Kreitz did not know if Dr. Phillips was texting anyone else. Kreitz said Phillips would talk to him less when her husband was around. He did not see her out socially. He saw her at graduation the past 2 years. He did not know if she was drinking at the party.

#### 4th Year Residents at the Time of the Party – Now 5th Years

**Dr. Talia Chapman** is currently a 5th year orthopedic resident (as of July 1, 2018). She went to Princeton University for college and Columbia Medical School. She plans to specialize in hand surgery in New York post residency.

Chapman did her first rotation of her 4th year with Dr. Abraham. Prior to the rotation, her interaction with him was minimal. She presented consults to him as a junior (1st or 2nd year). She did not socialize with him prior to her rotation. During the rotation, she worked with him in the clinic or OR every day. She said she had a positive experience. Chapman said she never saw or heard of any inappropriate behavior involving Abraham. After a long OR day, Abraham would take his staff and residents to get dinner and drinks at a local bar. Chapman said she would be there for about an hour or two, closer to the one hour mark. This happened maybe once

every couple of weeks. She said other doctors do similar socializing.<sup>4</sup> Chapman has never attended Abraham's "party" before, but she had been at his house for their journal club last academic year, which was mandatory for residents.

Dr. Phillips is two years junior to Chapman in the residency program. Phillips would mainly be seeing consults and running things by the older residents. Chapman's class (5<sup>th</sup>) does not have much interaction with Phillips' class (3<sup>rd</sup>) because of the way the program is structured. (The 2<sup>nd</sup> and 5<sup>th</sup> year residents work closely together.) She has had professional interactions with Phillips, but they are not very close. She thinks Phillips was doing fine as a resident.<sup>5</sup> Chapman has never socialized with Phillips on a one on one basis, only in group settings. She has no recollection of Phillips drinking or anything standing out about her at these events. She remembers attending a happy hour after a conference with her. She did not know her that well. Chapman met Phillips' husband during Chapman's general surgery rotation - Phillips' husband (who was a Jefferson medical student) was her medical student for a couple of weeks. She has seen him in passing after that, but never interacted with him.

**Dr. Michael Ciccotti, Jr.** is currently a 5th year orthopedic resident (as of July 1, 2018). On June 23<sup>rd</sup>, 2018, Ciccotti was on Dr. Abraham's rotation. At that time he had been on Dr. Abraham's service for approximately seven weeks. Prior to being on his service, Ciccotti would have been responsible for Dr. Abraham's patients when he was on call and would have interacted with him in that capacity. The service was the first time Ciccotti was seeing patients and operating with Dr. Abraham. In his personal experiences, Dr. Abraham was a consummate professional and an excellent teacher. There may have been a handful of times when Dr. Abraham got drinks with people after work at a bar or restaurant near the hospital. Ciccotti described the interactions as appropriate for the relationship between attending and residents. Other attendings take residents and staff out as well as a way to say thank you.

Ciccotti has not studied or worked with Dr. Phillips. They have not been on a rotation where they worked together directly. They have not had any classes together. Ciccotti knew Phillips was another resident in the program. She attended weekly meetings. They would have

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<sup>4</sup> On August 3, 2018, Dr. Phillips' attorney Stewart Ryan, Dr. Phillips' attorney told us that he had information that was "potentially subject to the rumor mill" that that Dr. Abraham had been inappropriately hitting on Dr. Chapman while at a happy hour and that Dr. Kepler had to step in to break up it up. Mr. Ryan said he did not know if the information was true. He also did not know whether, if true, Dr. Chapman would want to discuss/disclose this information.

On August 16, 2018, we spoke with Dr. Chapman by phone. We informed Dr. Chapman that we following up on some information that had been provided to us in the course of our investigation. We asked Dr. Chapman if Dr. Abraham had ever hit on her or come onto her at a social event. She said "not really. I don't think so. Not that I can think of." We asked if she recalled being at a social event interacting with Dr. Abraham and Dr. Kepler having to step in. She said "What?! No. I'm trying to think of anything even remotely close. I don't even know..." We asked again, was there any time when she could remember Dr. Abraham hitting on her. She said no. Asked if she could recall Dr. Kepler having to step in when she was interacting with Dr. Abraham, she said no. Dr. Chapman said she would keep thinking and call if she thought of anything remotely close to the situation presented. We did not hear back from Dr. Chapman.

<sup>5</sup> She explained that as a resident, you can get written up for things. Chapman has been written up once for her tone. Chapman recalled an incident when Phillips had a "free day" and came into Chapman's OR to scrub a case with her. Chapman asked Phillips to talk to a patient, and the patient sent an email complaining about Phillips. She is unsure of what happened, but does not believe that Phillips was disciplined.

interactions and interface to organize the care of patients. All of his professional interactions with Phillips were appropriate and professional. Ciccotti cannot recall socializing with Phillips. Once or twice a year the majority of residents attend a social event. In November, there is an annual exam monitoring the residents' acquisition of knowledge. The test is on a Saturday morning. Afterwards, most residents go out. Phillips was likely there. Ciccotti does not recall anything unusual about her conduct.

**Dr. Kristin Sandrowski** is currently a 5th year orthopedic resident (as of July 1, 2018). She graduated from New York University in 2009 and Jefferson Medical College in 2014. She did her rotation with Dr. Abraham during her 4th year of residency. Prior to that, she worked with Abraham as a medical student and presented consults to him. In medical school, she worked with him for a week during her third year and as a "sub-intern" for two weeks. She said Abraham was "very good and a very good teacher" in the work setting, and they had a good relationship. She has never seen or heard of inappropriate conduct on Abraham's behalf at work. Outside of work, Sandrowski said she interacted with Abraham at Ortho events, interview night, academy night, and after late OR nights when he took the staff to dinner and drinks. When Abraham took them for dinner and drinks, she would stay no more than an hour or two. She does not really drink.

Sandrowski met Dr. Phillips on service when Phillips was a 4th year medical student and she was a 2nd year resident. She said she does not have as much interaction with her class in general. She sees her at "conference" (all the residents go on Monday and Friday mornings). Otherwise, she has not done significant work with her. She said she can be sometimes be "defensive as a resident" and does not like being critiqued, but nothing unusual. Sandrowski described Phillips as "very nice and very outgoing" and said "there were no real problems." Sandrowski has never socialized with Phillips outside of work. Sandrowski heard Phillips made a complaint against Dr. Rothman about a year ago. She did not know the allegation or if anything came out of it.

**Dr. Max Greenky** is currently a 4th year orthopedic resident (as of July 1, 2018). Greenky has worked with Dr. Abraham tangentially. Greenky knew Dr. Abraham when he was an intern during medical school. He did not have any substantive conversations aside from patient care. Greenky is scheduled to do the tumor rotation with Dr. Abraham this coming spring. Greenky said Dr. Abraham "seemed like he had normal interactions" and professionally he was "fine." Greenky has been to Abraham's home once for journal club. Greenky has also been out socially with Dr. Abraham in groups. Greenky is not aware of any inappropriate behavior. Greenky did not attend Dr. Abraham's party this year. He was coming back to town late with his family and was working the next day. He does not think anyone from his class went to the party.

Dr. Phillips is a year behind Greenky but both are going into the same specialty – joint replacement. Greenky said they have a mentor-mentee relationship. Even though he is only a year older, he was able to provide advice regarding things like who to do research with and applying for fellowships. Asked for his impressions of Phillips, he said Rothman is a well-respected program. It is tough to get a spot and she matched, which speaks well of her.

Staff

**Tracey Boyle:** Boyle was hired by Jefferson in 1996. She has been a nurse for 15 years. She has been in orthopaedics the last three years. Boyle has known Dr. Abraham since starting in orthopaedics. Boyle is the nurse in Dr. Abraham's operating room on a weekly or biweekly basis. Boyle is not aware of Dr. Abraham acting inappropriately in the work setting. Boyle has been to Dr. Abraham's home three times. Abraham's wife had a birthday surprise party for him. She was also there twice for the "chief resident party." She went in 2016 and 2018. (She was invited last year but did not go). She also socialized with Dr. Abraham outside of work at a Christmas party he hosted for the team at Yakatori Boy.<sup>6</sup>

**Pat Brady** works as a Registered Nurse in orthopaedics. He works with Dr. Abraham on Mondays and Fridays. He described Abraham as one of the "nicer, mellower doctors." He feels comfortable with him. Abraham does not yell like some doctors. Outside of work, two years ago he went to a Flyer's game with Abraham, Tracy Boyle, Joe Kots, and someone else he could not recall. Abraham was receiving a check on behalf of TJU at the game and invited him to go. He never saw Abraham act inappropriately. He never worked with or spoke to Phillips. He does not know what she looks like.

**Stephanie Buchel:** Buchel has been with Jefferson for 11 years. She is currently a Specialty Team Supervisor ("STS"). She oversees patient flow, staffing, resident contacting, and behind the scenes work of the OR in the Orthopedics wing. Buchel works exclusively with Rothman surgeons in the Center City TJU branch. Buchel's interactions with Dr. Abraham are strictly business. Domanico, the other STS, does most of the behind the scenes work with Dr. Abraham. Buchel has socialized with Dr. Abraham at work related functions. She has been at a happy hour with Dr. Abraham, a holiday party he threw last year at a comedy club and the June 23rd party. She has never seen or experienced any inappropriate conduct involving Abraham.

Dr. Phillips came through orthopedics as a medical student and as a 1st year resident. Buchel said, to be honest, she does not really recall her. Buchel has more interaction with the residents in their 4th and 5th years (during 2nd and 3rd years, residents "seem to disappear" – they go to other campuses and rotations). She never heard anything about Dr. Phillips before the June 23<sup>rd</sup> party.

**Frank Ciarrocchi** has been a nursing assistant (level II) at TJU since June 2010. For the past four years, he has been working in physicians' rooms – mainly in orthopaedics. He used to

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<sup>6</sup> We were informed by Dr. Phillips' counsel that he had reason to believe that Dr. Abraham may have had an intimate relationship with Ms. Boyle. On September 10, 2018, we spoke with Ms. Boyle by phone. We informed Boyle that we were following up on some information that had been provided to us in the course of our investigation. We asked Boyle if she had had an intimate relationship with Dr. Abraham. She replied that she had not. She stated that her relationship with Dr. Abraham was entirely professional. Boyle further provided that she had only socialized with Abraham with other Jefferson employees present. She had never socialized with Dr. Abraham alone. She never thought Abraham was inappropriate when they socialized.

work with doctors as needed but is now “team based.” On Mondays and Fridays he works with Dr. Abraham.

He described Abraham as a nice guy. He had positive experiences in Dr. Abraham’s room; he never felt pressured by him. His days with Abraham were “long days but not hard days.” He and Abraham would have playful banter but nothing inappropriate – just “busting each other’s balls.” He has been to three Abraham parties in the last eight or so years. He told us the first one he attended was at Lucky Strike. Two years ago he attended a party at Helium Comedy Club/Continental. He thinks Abraham’s other parties were karaoke nights that he did not attend. There was nothing inappropriate about his interactions there, but he said it was ironic that all of his parties ended in disaster. At Lucky Strike, a girl hurt her knee and Abraham had to run to the hospital for crutches. At Helium Comedy Club, Abraham’s wife got in trouble for being too loud and left embarrassed and upset; and now the allegation after the June 23rd party.

Ciarrocchi has worked with Dr. Phillips three times – twice with Dr. Parvizi and once with Abraham. There was nothing memorable about those interactions. He said she was nice and got along with him and Joe Kots (First Assistant). Phillips was in the room when Ciarrocchi “took a hematoma to his face.” He said Phillips jokes with him about it. (He explained Abraham got help from residents on Mondays and from residents and fellows on Fridays. He said Abraham was allowed to have more students because he is easy going.) Phillips scrubbed in the day he got a hematoma to the face. He said like every other day, Abraham was smiling and joking. He has never socialized with Phillips outside of work or saw anything inappropriate.

**Carly Cotton** began working for Jefferson two years ago as a nurse in the OR. She works with the orthopedic surgeons. She is part of Dr. Abraham’s “team” on Fridays. Her work relationship with Abraham was professional but friendly. She has never known him to do or say anything inappropriate. Cotton had been to a happy hour during the holidays with Dr. Abraham at a bar in the city. Abraham has also come out when they grabbed a drink in the city. He has always been “fine, normal, fun, appropriate.”

Cotton hardly knows Dr. Phillips. She worked with her with Dr. Purill or Dr. Krieg. She had enough interaction to know of her. Cotton found Phillips to be outgoing, bubbly, and professional. Phillips was not at any of the happy hours that Cotton attended.

**Vince DeJoseph** is a staff nurse in the OR. He works in orthopaedics with Rothman surgeons. DeJoseph works with Dr. Abraham but said he is not on his team per se. (Tracy Boyle is in the same role as DeJoseph. She is usually in Abraham’s room.) DeJoseph has known Abraham for four years. DeJoseph loves working with him. DeJoseph has not socialized with Dr. Abraham outside of work. The June 23<sup>rd</sup> party was the first time DeJoseph was invited to “an Abraham party.” He has been to other Rothman surgeon parties. Usually the parties are at restaurants; not the doctors’ homes.

DeJoseph has been involved in surgeries that Dr. Phillips participated in. She scrubs in; is learning. Asked if she is competent, he said he thinks so. DeJoseph said she was always friendly. He had nothing bad to say about her. At work, she’s always been professional. DeJoseph does not socialize with Dr. Phillips. The party was the only time he has seen her outside of work.

**Shawn DeNight** has worked at Jefferson for the past 18.5 years as a nursing assistant. He works in orthopaedics. His job duties include: cleaning rooms, setting up rooms and beds for patients, transferring patients, getting blood, helping the nurses, and getting the kitchen order together. He has worked with Dr. Abraham less than a handful of times. He said he has known him and has joked around with him. He has never experienced inappropriate behavior on Abraham's behalf and has not socialized with him at any functions. The party was his first time at his house.

DeNight said Phillips has always been nice. They joked around. He worked with her when she rotated with Dr. Rothman. He said Rothman liked her. He said "girl wise, she was the first person he let do stuff as a girl." The whole staff was surprised. After Phillips, he thinks Dr. Rothman let some other residents do things during surgery, but Phillips was the first person he witnessed Dr. Rothman allow to be more involved. He witnessed this at least twice. DeNight did not socialize with Phillips outside of work.

**Jeannette Domanico** has been at Jefferson for 11 years. She started as nurse in the orthopaedics operating rooms. She spent 95% of her time with Rothman surgeons. The past two years, she has been one of two supervisors for orthopedics (along with Buchel). She and Buchel organize and coordinate all orthopaedics cases. They do not work in direct patient care. They call surgeons daily –deal with staffing/coordinating/managing orthopaedics. She has known Dr. Abraham since he started with Rothman. Domanico went to Abraham's Christmas parties two years ago. It was at a comedy club. Abraham's wife and his team were there. Domanico had not heard of or witnessed any inappropriate conduct by Abraham at work or in social settings.

Domanico has known Dr. Phillips since she was an intern (first year resident). Interns are often the go between for Domanico and the doctors. Domanico tends to see residents a lot their intern year, a little their second year, not much their third year and then a lot the fourth and fifth years. Domanico had not seen Phillips a lot recently because she is in a rotation where she's "out and about."

Domanico had not witnessed any inappropriate conduct involving Phillips prior to the June 23<sup>rd</sup> party. Everything (before the party) was hearsay. Domanico heard that Phillips had accused Dr. Rothman of groping her on the first day she scrubbed in with Dr. Rothman her intern year. She heard Phillips was offended and did not know how to deal with it. She heard Phillips reported to Dr. Purtill but is not sure if she did.

Domanico also heard Phillips had issues with other residents. She heard she was not well liked. She apparently had problems mule-tasking. Domanico said she was "always very flustered." People said she was incompetent. The Rothman institute is intimidating. Things have to run a certain way. Domanico heard she was not received well. Domanico would think, is it because she is a woman? Domanico said some male residents, she mentioned Kreitz and Beck, were not allowed to be around Dr. Phillips because their wives/girlfriends thought she was touchy. Domanico heard from Kreitz that his girlfriend did not like Phillips because she is touchy and flirtatious. Domanico has not socialized with Phillips.

**Jarele Hill** has been at Jefferson for three or four years. He is a nursing assistant II, hook holder. A hook holder is an extra set of hands for orthopedic surgeon. He works in the operating room in general. His first two years he worked with Rothman surgeons every day. Now he is with a Rothman surgeon once a week. Hill has worked with Dr. Abraham, but not regularly. He probably worked with Abraham two times in 2018. He said he is an outstanding surgeon. Hill went to Abraham's Christmas party at Yakatori Boy last year. He has not socialized with Dr. Abraham outside of those two events (Yakatori Boy and June 23<sup>rd</sup> party). Hill is not aware of any issues with Abraham's conduct at work or outside of work.

Hill knew Phillips before the party. She would be in a room and participate in surgery cases. At the end of day, she left. She is very professional. Hill was not aware of any issues involving Phillips. He described her as very uplifting and energetic. Hill did not socialize with Phillips.

**Joe Kots** has been at TJU since late 2007. He began as a Registered Nurse in the OR, and in 2011 became a Registered Nurse First Assistant. Since 2011, he has worked strictly in orthopaedics. Kots has worked with Abraham every Monday since 2011. Kots described Abraham as "awesome, nice, and a laidback surgeon." He said Monday was by far his favorite day of the week. He said Abraham and his staff have many late days in oncology, and Abraham would occasionally treat his staff to dinner and drinks afterwards. They developed a friendship outside of work. Kots has been kayaking with him. Kots has never seen or heard of anything inappropriate involving Abraham.

Kots "vaguely knows" Dr. Phillips. Phillips came into the OR while he was working with Dr. Chen. Dr. Chen, who is no longer with Rothman, was a great teacher and would let Phillips and other residents observe when they had the time to do so. Kots saw Phillips once or twice. There was nothing memorable about his encounters with her.

**Sharlene Mealey** has been with Jefferson for 12 years. She was a staff nurse for 4 years and then became a Registered Nurse First Assistant (RNFA), which she has been for 8 years. Mealey has been with orthopaedics and the Rothman Institute for her entire career at Jefferson. Her duties include assisting surgeons and staff nurses. She called herself a "Dr. Abraham team part-timer." She is usually with Abraham every first and fourth Friday of the month. Mealey said Abraham is friendly, happy go lucky, does not lose his temper, sweet, and somewhat funny, "or at least he thinks he is." She has never experienced or witnessed any inappropriate conduct involving Abraham at work. Asked if she had socialized with Dr. Abraham outside of work, Mealey told us she has attended some happy hours, a holiday party with the OR staff, and his oncology party twice (2016 and 2018). Asked if she had seen or heard of inappropriate conduct by Dr. Abraham outside of work, she said no. She clarified that prior to the party, she had never heard anything about him being inappropriate.<sup>7</sup>

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<sup>7</sup> We were informed by Dr. Phillips' counsel that he had reason to believe that Dr. Abraham may have had an intimate relationship with Ms. Mealey.

We had a follow up telephone call with Mealey on September 12, 2018. Mealey acknowledged that she and Dr. Abraham dated several years ago, when Dr. Abraham first joined Rothman. They dated for approximately two months around Christmas time. Mealey said the relationship as not serious. The relationship was not disclosed to Jefferson or Rothman. Mealey was not on his team during their relationship. She might have relieved someone on his team a few times but she does not recall frequently crossing paths with him at work at this point.

Mealey had only interacted with Phillips a few times. She did not have any cases with her (was not stationed in a room with her) but sometimes has to call residents to put in orders. During the times she has interacted with Phillips, she described Phillips as friendly, bubbly and positive.

**Linda Minda** is a RNFA. She began with Jefferson in August 1997. She has always been primarily in orthopedics with Rothman surgeons. She only worked with Dr. Abraham twice during her career. Dr. Abraham is respectful in the workplace. He does difficult cases. Minda does not socialize with Abraham. The party was the first time she was in his home and first time she socialized with him.

Dr. Phillips was an intern when they first met. She was "fine" towards Linda. She would interact with her during surgeries. She was "always fine; professional." The party was also the first time she socialized with Dr. Phillips.

**Rebecca Payne** has been working at Jefferson for as a circulating nurse for eight years. She currently works primarily in orthopaedics with Rothman surgeons. She has worked with Dr. Abraham throughout the years. Her impression of Abraham was that he was professional, polite, and nice. Payne has never experienced inappropriate behavior involving Abraham. The only time Payne interacted with Abraham outside of work was at his June 23rd party.

Payne has worked with Dr. Phillips a handful of times. Her impression of Phillips was that she was friendly. Nothing else stood out to her, and she has never heard of any inappropriate conduct involving Phillips.

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Mealey said their relationship did not affect the work environment. At and around the time of their relationship and sometime thereafter, Mealey did not work one on one with Dr. Abraham. By the time they started working together, a lot of time had passed. She let bygones be bygones. She was friendly with Dr. Abraham and his wife.

She started working on his team more frequently about 5 years ago. Mealey started a program at Delaware Community College to get her Registered Nurse First Assistant certification. She needed to train under a doctor for 120 hours to obtain her certification. She decided to train under Dr. Abraham because she had no hard feelings at that point, he was nice in the OR, and he performed lengthy surgeries so she would fulfill her hour requirements quickly.

The relationship between Mealey and Dr. Abraham occurred prior to Dr. Abraham getting married, and then they started to socialize again after his separation from his wife. More recently, they have gone out together just the two of them a few times. They have not been out in a romantic way, more of a friendly situation. On one occasion they went to a party in the city together, and on another occasion they went to a bar after working late. Both times it was just the two of them.

Mealey does not feel like Dr. Abraham ever acted inappropriately towards her. She was never mistreated or made to feel uncomfortable at work. She was more embarrassed that he may think of her in a particular way (like she was waiting for him to become single again, which Mealey claims was never the case). She was always nervous about people at work finding out about her relationship with Dr. Abraham. She does not feel like she ever got special treatment, but she feared others would think that. (People at work now know about the relationship. In the course of the police investigation, Domanico gave Mealey a heads up that someone had told the police about the relationship.)

Mealey does not feel like her relationship with Dr. Abraham creates a bias or makes her more or less protective of him. She does not believe he is the kind of person that would force himself on someone. Mealey does not really know Dr. Phillips. Mealey said "I would not have stayed at a party after everyone left if I was married." But she is not biased against Dr. Phillips; she just does not know what happened.

**Ryan Puppolo** started as a nurse in Jefferson's OR in January 2017. Puppolo works primarily in orthopaedics. Initially he worked with Dr. Abraham once or twice a week. In last 6 months, he probably worked with Abraham once a week. He described working with Abraham as a great work experience. Abraham is a nice guy and easy to work with. He is professional. Puppolo has gone for drinks and something to eat at local bars after work with Abraham five to seven times. They may hang out for three hours. He has not seen or heard of any inappropriate conduct – in or outside work – by Abraham. They do some “shooting the shit” but nothing demeaning or degrading. He has not heard of any issues with Dr. Abraham.

Puppolo worked with Phillips a couple of times. She would bring x-rays into a room he was working in. He does not recall socializing with her (aside from June 23rd). He has gone out with residents but does not recall her being there. His only interactions with her were at work. He is not aware of any issues with her prior to June 23rd.

**Katelyn Rosanova** started at TJU as a registered nurse in the OR in October 2017. As of April 2018, she works solely in orthopaedics. Rosanova described Abraham as a nice surgeon and pleasant to work with. She has never heard of inappropriate behavior on his behalf and has never socialized with him. Rosanova met Dr. Phillips at Abraham's party for the first time.

**Anthony Sanrocco** started with Jefferson as member of the orthopedics nursing team in June 2016. He worked with Dr. Abraham most Mondays. Dr. Abraham is very laid back and easy to work with. He does not talk down to the staff. Sanrocco does not have any relationship with Abraham outside of the office. He has been to a couple of happy hours that Dr. Abraham attended. He remembers once they went to Destination Dogs at the end of the workday, had some dogs, a beer, and everyone went home. The happy hours are not planned in advance. He also went to Abraham's holiday party this year at Yakatori Boy. Sanrocco never heard of Abraham saying or doing anything inappropriate at work or outside of work.

Sanrocco does not know Phillips. They have never had a conversation. He may have seen her once in a hospital room. Sanrocco did not recognize her at the party; he had to be told who she was.

**Eu Min (Emily) Song** has been an OR nurse at Jefferson since October 2017. She began working with Rothman surgeons in orthopaedics in April 2018. Song has worked with Abraham once or twice a month so far, four or five times total. Abraham is “very pleasant and nice.” Song told us she did not have much conversation with him. She has never heard of Abraham engaging in any inappropriate behavior. She had not socialized with him prior to his party.

Song met Phillips once when she was in Dr. Krieg's room. There was nothing memorable about their interaction.

**Matt Wisniewski** has been a surgical technician at Jefferson for three years. He is usually with Dr. Abraham on Fridays. He described Abraham as a very good, kind man. He and Abraham bonded over the fact that they were both going through divorces. Wisniewski was at

Abraham's holiday party last year. Abraham was with his wife and several co-workers at the holiday party. Wisniewski has never heard of Abraham doing or saying anything inappropriate.

Dr. Phillips has come into Wisniewski's room while she was working with senior residents. He used to sing the "Hey Jessi" theme song to her – a show his daughter used to watch. Wisniewski said she took it well and was amused by it. He described her as friendly and said they got along. He only ever had quick interactions with her. He has never heard of Phillips involved in any inappropriate behavior. Wisniewski said the senior residents used to complain about Phillips' work, but he also told us that generally, the senior residents complain about younger residents. When senior residents are yelled at by an attending, the senior residents basically blame it on the junior residents. He remembered some complaints about Dr. Phillips but said that was common.

### **Sales Representatives**

**Mike Casciato** works for DePuy. TJU Center City is not his direct territory but he goes for big surgeries. The day-to-day DePuy representatives at TJU Center City are Anthony Christopher and Colin Kane. He has known Abraham for five years, and has worked with him once or twice a month doing knee replacements and revisions. He described Abraham as "as good as they get, in my opinion." Dr. Abraham keeps his cool when things get complicated. Casciato has been to dinner with Abraham once. He and Abraham share a general interest in mountaineering. He described Abraham as "smooth as silk, man. Nothing inappropriate about him; that's not his way." The first time he met Phillips was at Abraham's party.

**Anthony Christopher** works for DePuy. Christopher is at Rothman once or twice a week. He works with Dr. Abraham once a month. Abraham was great to work with. He never heard of or witnessed any inappropriate behavior by Abraham. Christopher went out socially with Abraham once or twice three to five years ago. Nothing inappropriate occurred. Christopher did not know Dr. Phillips prior to the party. The night of the party, she introduced herself. She may have been in OR with him on one occasion but he had no recollection of her.

### **Dr. Abraham's College Roommates**

**Dr. Michael Chen** was one of Dr. Abraham's college roommates at Harvard during their sophomore, junior, and senior years (they met freshman year). He is a plastic surgeon in California. He was in town for the Roommates' Weekend and stayed overnight at Dr. Abraham's home Friday June 22<sup>nd</sup> and Saturday June 23<sup>rd</sup>.

**Ali Dibadj** was one of Dr. Abraham's roommates in a "pod structure" dorm freshman year at Harvard. They roomed together for the next two years and in different rooms but the same dorm the last year. Dibadj graduated from Harvard with an electrical engineering degree in 1996. He worked for a year as a consultant, and then went to Harvard Law. He worked as a consultant in Boston for another six or seven years, and then moved to New York to work at Bernstein, his current employer. He and Dr. Abraham stayed in touch after school. He was in

town for the Roommates' Weekend and stayed overnight at Dr. Abraham's home Friday June 22nd and Saturday June 23rd.

**Dr. Swain Chen** and Dr. Abraham also went to Harvard together from 1992-1996. They lived next door to each other in the dorms freshman year and lived together for the rest of their time at Harvard. Swaine went to Stanford for his MD/PhD. Abraham went on to Yale. Swaine eventually moved to Singapore. He was in town for the Roommates' Weekend and stayed overnight at Dr. Abraham's home Friday June 22nd and Saturday June 23rd.<sup>8</sup>

### **Band**

**Dr. Eric Schwenk** is an anesthesiologist at Jefferson. He is a graduate of West Chester East HS, UNC (2004) and Jefferson Medical School (2008). He did his internship at Drexel and residency at Jefferson (2012). He stayed on at Jefferson as faculty. He also did a one year fellowship in orthopedics at Jefferson (2012/13). Dr. Schwenk frequently works with orthopaedic surgeons and worked with Dr. Abraham about once a month. One half to 2/3 of his cases are orthopaedic cases; 1/3 everything else. He and Abraham have a good working relationship, good communication. Abraham is much more open to discussing case options. They have pre procedure discussions, which Schwenk appreciated. He has not had any problems with Abraham. He is always appropriate and professional. Schwenk hung out with Abraham a couple of times over the years. They would have a cigar a couple times a year, probably at Ashton Cigar Bar. He only socialized with Abraham in a group setting. There was nothing notable or inappropriate about Abraham's conduct when they socialized.

Schwenk is in a band. He plays drums; his brother from NYC (Brian Schwenk) plays guitars, vocals; and Doug Scherbak plays bass. Schwenk had been at Abraham's twice before the June 23rd party. The first party he attended was a pool party. He said Dr. Abraham always has a party for residents/staff. It was smaller, it was raining. Schwenk went to Abraham's house again two weeks before the party to plan where to play. He hung out for an hour and half. They decided the band would play under a gazebo (wooden area in back). Schwenk did not know Dr. Phillips before the party.

### **Caterers**

**Allison Yotter** catered Dr. Abraham's June 23, 2018 party.

**Chris Yotter**, Allison Yotter's husband, was the bartender at Dr. Abraham's June 23, 2018 party.

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<sup>8</sup> **Dr. James ("Jim") Lee** was also a Harvard roommate. He lives in Philadelphia. He attended the June 23, 2018 party but did not stay late. He did not stay overnight at Dr. Abraham's home. We did not speak to Dr. Lee.

**Dr. Phillips's Husband and Character Witnesses**

**Dr. Reid Phillips** is Dr. Jessica Phillips's husband. He attended Jefferson University Medical School, graduating the same year as Dr. Jessica Phillips. He is currently a third year Emergency Medicine resident at Cooper University.

**Dr. Antonia Chen** was produced as a character witness. Dr. Chen worked with Dr. Phillips at Jefferson. She said Dr. Phillips was an outstanding resident.

**Young Nelson** was produced as a character witness. She attended the University of Washington Seattle with Dr. Phillips.

**Dr. Anna Fox** was produced as a character witness. She attended the University of Washington Seattle with Dr. Phillips. She and Dr. Phillips were big/little in their sorority. She lives in Philadelphia and works at the University of Pennsylvania. Dr. Fox was aware of Dr. Phillips's allegations and the investigation.

**REDACTED**



**REDACTED**



**REDACTED**



**REDACTED**



husband, Chris Yotter, was the bartender. There were five additional people working the party - one person helping Allison in the kitchen, and four servers.

Chris Yotter was at Abraham's house all day Saturday to set up and help get ready for the party. The bar was set up under a tent by the pool. According to Yotter, the coolers that held the beer and wine were kept in an area under the tent, behind tables. He had a display of the beers and wine that Abraham had picked up. If Yotter was behind the bar, he poured wine and got beers. Yotter said he served 90% wine and beer. There was also liquor – vodka, gin, scotch, rum. Two or three people had a margarita. There were not a lot of cocktails. There were no shots served. Even if a homeowner asks, Yotter will not serve shots. (Yotter) He stepped away from the bar once or twice to use the restroom. He stated that when he stepped away, someone else stayed at the bar to watch the area and make sure no one over served him/herself.<sup>9</sup> (Yotter) No one reported being aware of any drugs at the party. (e.g. Sanrocco, Kots, Krietz)

According to the menu, there were passed hors d'oeuvres from 6 p.m. to 9 p.m., a seafood table from 8 p.m. to 9 p.m. and a dessert bar set up after the seafood bar. (See menu attached as Exhibit 2). Allison Yotter stayed in the kitchen most of the night. She was only outside to serve dessert.<sup>10</sup> A number of attendees recalled that the party was catered and that food was butlered. (Miller, Cicotti, Hill, Brady (food was terrible), Domanico)

While at least one guest recalled Dr. Phillips eating, (Hill), when Dr. Phillips was asked: "Was any food served at the party and did you partake?" she responded: "I do not recall if food was available. I did not eat any food." (Phillips Response to Question 4)

#### **6-9 PM – Guests Arrive/Mingling Around Pool**

Guest started arriving at Dr. Abraham's home at approximately 6 p.m. Domanico, Buchel, Cotton, Mealy, Boyle, Ciarrocchi, Casciato, Minda and Payne reported arriving between 6 and 6:45 p.m.

DeJoseph, Sanrocco, Song, Wisniewski, Hill, Puppolo and Ryan's fiancé Stephanie Pablo met at Puppolo's house in Fishtown prior to the party. (DeJoseph) They hung out at Puppolo's house for about 45 minutes. They were having drinks on the roof. (Sanrocco) Song said she drank 1 or 2 beers. (Song) They all took an Uber to Dr. Abraham's house, arriving around 7:30 p.m. (DeJoseph) Kots drove to the party with his friend, Matt Tomich. Tomich works in medical sales and is one of Dr. Abraham's "biking buddies." He arrived at around 7:30 p.m.

Most guests reported spending much of the night around Dr. Abraham's pool. The party included various groups, including Jefferson orthopaedics staff and residents, Dr. Abraham's biking club, neighbors, Dr. Abraham's home contractor, college roommates, biking crew and the

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<sup>9</sup> However, several guests reported serving themselves. Domanico said that while she recalled there being a bartender, she served herself the entire evening. (Domanico Follow Up) ...Mealey

<sup>10</sup> Allison Yotter said nothing out of the ordinary happened while she was there. She said she, her husband and her team left close to midnight. The guests of the party were getting into the pool as they were leaving. The guests took over bar.

band. (Domanico, Buchel, Puppolo). Guests estimated that there were approximately 50 to 70 people at the party. (Sanrocco, Casciato) "People seemed to be standing in cliques." (Ciccotti) The orthopaedics residents and staff were on the right side of the pool where the bar was (far side of house or the "garden side" near the wall). The "other guests" – including Dr. Abraham's college roommates, neighbors and the biking crew – were on the other side. (Buchel, Payne, Sanrocco, Kots, Minda Ciarrocchi<sup>11</sup>)

The scene was described as casual. (Kots<sup>12</sup>) People were socializing, drinking, eating. (Puppolo, Boyle). A number of guests did not enter the house (Beck) or only went into the house for the bathroom or for a quick tour. (Ciarrocchi) Sanrocco reported that everyone seemed pretty composed. "We were drunk, not out of hand." Puppolo said everyone was having fun, laughing, drinking.

### Residents:

A number of the residents who attended the party left by 8:00 or 8:30 p.m. (Andrew Miller, Kristen Sandrowski, Talia Chapman, Dave Casper and Michael Ciccotti). Those residents reported seeing Dr. Phillips and Dr. Abraham. No one believed either of them to be intoxicated. Aside from Dr. Miller reporting that Dr. Phillips was "dressed up" and "friendly," those residents did not observe behavior by Dr. Phillips or Dr. Abraham that was out of the ordinary.

Dr. Miller drove Dr. Tyler Kreitz and his girlfriend, Anna Sprice, to the party. They got there a little after 6:30. They spent maybe 10 minutes with the staff wishing each other well and then made their way to the bar. The party was a chance to say goodbye. Miller only had one drink – he was driving to another engagement from the party.

After about 15 or 20 minutes in the backyard, Miller saw Dr. Phillips arrive. It struck him that she was pretty dressed up compared to the rest of them. Everyone else was pretty casual. She was wearing black, maybe black jeans, a short black leather jacket and makeup. Someone made a comment "Jessi got really dressed up for this." He could not recall who said it. But the impression was she was pretty dressed up for the occasion. She stood out. Dr. Krietz's girlfriend, who was dressed casually, may have been the one to mention Dr. Phillips's appearance.

Dr. Miller spoke to Dr. Phillips. He said she was "actually very friendly." She gave Miller a hug. She was asking about his wife. She was more social and cheerful than he remembered her in the OR. But, he said, he has not socialized with her outside of the OR. They spoke for maybe five or ten minutes. He did not recall her drinking at that time. He said she was sober. Nothing struck him as unusual about the content of their conversation. There was nothing noteworthy about Dr. Phillip's behavior other than that she was dressed up and friendly.

Dr. Sandrowski drove with her husband and daughter to the party and arrived around 6:30 - 6:45 pm. Dr. Chapman drove to the party with Dr. Casper, his wife, and his child. They

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<sup>11</sup> Ciarrocchi had 4 drinks total because he was driving home later. He stopped drinking around 9:00pm and left around 11:00pm

<sup>12</sup> Kots had around 4 beers throughout the evening

arrived at around 6:00 or 6:30 p.m. They all reported staying outside for the whole party. They spoke mostly to other residents but she said hi to everyone. (Sandrowski, Chapman)

Sandrowski and Chapman separately reported saying hello to Abraham. Neither recalled him drinking. They both said hello to Dr. Phillips. Neither recalled her drinking. Neither recalled anything out of the ordinary. (Chapman, Sandrowski). Sandrowski said no one was visibly intoxicated, and nothing stood out to her at the party. She described it as "low-key."

Dr. Ciccotti<sup>13</sup> arrived at 7:30 p.m. He said hello to some staff he is friendly with but largely spoke with the residents from his year. Ciccotti was not drinking alcohol because he was on call so he did not make his way to the bar. He spoke to Dr. Abraham about one of his patients who was admitted to hospital and was being monitored. Ciccotti cannot recall if Dr. Abraham had a beverage in his hand. He was not acting intoxicated. Ciccotti saw Dr. Phillips from afar. He did not talk to her. He did not know if she was drinking.

Ciccotti did not notice anything out of the ordinary. No one was acting strangely/inappropriately. No one he interacted with seemed intoxicated. A band was scheduled to play but had not played yet. People were going in and out of the house, but no one he knew personally. No one was in pool.

Sandrowski left with her husband, daughter, and Chapman around 8 p.m. Ciccotti said that because his classmates were going home, he decided to leave too. It was around 8/8:15 p.m. Miller left a little after 8:30 p.m.

Dr. Kreitz and Dr. Beck arrived around the same time as the other residents but stayed until around midnight. Dr. Kreitz arrived with Dr. Miller (above). Dr. Beck<sup>14</sup> arrived with his wife Victoria sometime after 6:30 p.m. Dr. Phillips approached Dr. Beck and said hello at approximately 7:15 p.m. It was the only time he interacted with Dr. Phillips. Dr. Phillips spoke briefly with his wife. Dr. Beck did not see Dr. Phillips drinking.

The only thing that stood out to Dr. Beck was that most of the residents were on one side of the pool and Dr. Beck remembered Phillips standing on the other side of the pool speaking with a group of people Phillips did not know. When asked why that struck him as strange, he said it was nothing about the interaction itself that was weird, but the fact that she was speaking with people she did not know surprised him.

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<sup>13</sup> Ciccotti was chief resident on call for Jefferson the weekend of the party. Asked how call works, Dr. Ciccotti explained that during the day PGY 1 and PGY 2 residents are in house at the hospital. They are carrying pagers and cell phones. The PGY 1 and 2 are supervised by a chief resident – a PGY 4 (at the end of the year) or PGY 5. The chief resident does not have to be in the hospital but is responsible for seeing any patient with an issue or, if another service needs an opinion, after the patient is seen by a junior, the chief ensures that an appropriate plan is in place. The chief is overseen by the attending.

<sup>14</sup> Beck had various drinks throughout the evening including beer and liquor.

**Early Interactions Between Staff and Dr. Phillips**

A number of staff reported interacting with Dr. Phillips briefly early in the evening. Mealey remembers Phillips arriving when it was still light. She said hi to her, and then she thinks Phillips went on to talk to other residents. She does not remember Phillips having a drink in her hand. She did not really remember seeing Phillips throughout the night.

Boyle met Dr. Phillips for the first time the night of the party. She spoke to her early in the evening when it was still light. Dr. Phillips introduced herself. She said they had met in Dr. Kreigs' room but Boyle did not recall meeting her. This was her only interaction with Dr. Phillips. She thought she was really friendly, if anything overly friendly, and she wondered if she was there alone trying to make friends. Boyle never saw Dr. Phillips act inappropriately or do anything out of the ordinary such that she thought she was drunk.<sup>15</sup>

Cotton talked to Dr. Phillips sometime before dark; maybe 8 p.m. It was the first time she saw her outside of work. Cotton said hello. Cotton told Phillips that she looked pretty outside of work. Cotton said that Dr. Phillips was drinking but she had "no clue" what she was drinking or when she saw her drinking.

Kots spoke to Phillips sometime around 8:15 p.m. Phillips brought up Mike Ciccotti, who also is the son of a Rothman doctor. Phillips said "he sucks, he's terrible." Kots said he thinks Ciccotti is fine. He said he would gather she was drinking but did not see her drink.

Hill saw Phillips at the party at around 8 or 8:30 p.m. He gave her a hug and they made small talk. He saw her drink; he remembered it being beer. He said she was going with the flow – everybody had a couple of beers. Her conduct was "very normal." It was "not professional like work but very mature."

Puppolo saw Dr. Phillips shortly after they arrived when he and his fiancé were walking to get a drink. Puppolo noticed that Dr. Phillips had a drink. He believes it was a cocktail. It was clear. He may have seen Phillips throughout the night but he did not talk to her.

Dr. Phillips said "hi" to Dr. Schwenk sometime between 7 and 9 p.m. (it was light, he thinks it was before they played). Dr. Schwenk cannot remember specifically if Dr. Phillips was drinking. She did not appear intoxicated. According to Dr. Schwenk, Dr. Phillips talked as if they knew each other. She talked about his colleague, Dr. Kreig, "like I knew her but I don't know her." Dr. Schwenk recalled discussing Dr. Phillips with some staff. He asked who she was because she had such a friendly, assuming approach and spoke to him as if she knew him. He did not know if she was a resident, a physician, or a sales representative. Someone said she was she was married and being overly friendly with a lot of people. He does not recall who said that.

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<sup>15</sup> Sanrocco first saw Phillips standing with the residents. Throughout the party, he crossed paths with her. They never had a conversation. He does not know if she was drinking. He did not recall her having a glass in her hand.

Dr. Schwenk said Dr. Phillips spent a lot of time talking to one guy (he was able to identify him in a picture he took later that night. See Exhibit 3. We identified him as Dibadj). Having learned she was married, the thought occurred to him that maybe the man she was with was her husband. There was nothing inappropriate in their actions. He saw them mostly around the pool.

**Flirtatious Dancing:**

Domanico reported that Phillips was very flirtatious the night of the party. She was rubbing against a male sales representative and staff. She said female residents do not act like that; Phillips was not acting like the other residents. Domanico said it was “very obvious” and “it was all everybody talked about for 2 days after party.”

Domanico said Phillips was “grinding into” a sales representative, Mike Casciato and into Jarele Hill. Domanico alleged that Phillips was grinding behind Casciato with her arms were around him. Domanico said “she was annoying me but I didn’t want to say anything rude at that point.”

Casciato described Phillips as “a little interesting” based on their interaction when she first introduced herself at the party. He said: “I’m a 58-year-old man. She was being flirtatious, hanging on my arm, being touchy-feely.” He said “the interaction was unexpected” and he “felt a bit awkward.” Casciato explained Phillips was getting really close and hanging on his arm as if he was escorting her, side by side. He thinks she linked her right arm with his left but he was not sure. She got close to him, but “did not grind with him.” He and Phillips were facing each other at times. He said “it was not the way he meets someone.” Casciato said her choice of words were not inappropriate. They talked about her husband. He did not remember Phillips drinking but thinks she “must have been based on her actions.” They were together for 10 to 15 minutes. They eventually parted.

Christopher recalled seeing Phillips with Casciato. He said she and Casciato were talking a lot. Christopher said Casciato “was putting a lot of time in there” so he texted him the next day: “Did you shack up with that resident?” Casciato said “of course not.” Casciato said “I wasn’t the only person she was touchy feely with.” (Christopher)<sup>16</sup>

Wisniewski also recalled Phillips standing next to Casciato outside. Wisniewski said Phillips “had a ring on” and “was all over Mike.” He recalls asking someone “is that Jessi’s husband?” because she was standing close to him.

Domanico also said Phillips was flirty and dancing with Hill. (Domanico) DeNight said Phillips and Hill were talking a lot. (DeNight) Ciarrocchi remembered Hill “being attached at [Phillips’s] hip” for a good portion of the night. He said Phillips was not pushing Hill away. He said it “seemed like Hill was trying” and Phillips was not letting him down. Ciarrocchi may have seen Hill put his arms around Phillips at one point, but nothing inappropriate. (Ciarrocchi) Boyle

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<sup>16</sup> Domanico reported that there was a text between Casciato and Christopher about Phillips’s behavior. (Domanico)

heard Dr. Phillips was being flirty with Hill. She heard Dr. Phillips was “hitting on Jarele.” She heard she was very “flirty and had a ring on.” (Boyle) Hill, however, did not report that Dr. Phillips was flirting with him. He said Phillips spent most of her night with Dr. Abraham’s college roommates.

#### Roommates 6:00 to 9:00

According to Swaine, the roommates – he Dibadj, Michael and Lee<sup>17</sup> - spent the first couple hours of the party catching up with each other. They were in the house and then near the pool. Abraham did not spend much time with them because he was walking around the party hosting. According to Swaine, after they caught up for a while (at approximately 9 p.m.), he suggested to the roommates that they mingle.<sup>18</sup>

#### Dr. Phillips Meets the Roommates

According to Swaine’s timeline, Phillips began speaking with the roommates around 9 p.m. Several guests reported seeing Phillips with the roommates for a good portion of the night. (Schwenk, Hill)

Swaine said he went to the bar and introduced himself to Phillips.<sup>19</sup> He described Phillips as “the most positive in responding” to his introduction. Dibadj joined the conversation shortly after. (Swaine) They asked how she knew Abraham. Phillips said she was a resident at the hospital. (Dibadj/Swaine) Michael also reported meeting Phillips when she was talking to Swaine and Dibadj. She said she was from Washington or spent time in Washington.<sup>20</sup>

Dibadj recalled her saying she was responsible for roasting Abraham (neither Swaine nor Michael recalled Phillips “explicitly” mentioning a roast). According to Swaine, during their conversation, Phillips said “I want stories about John.” He believed she was looking for stories that would embarrass Abraham. Swaine thought Phillips was trying to get the dirt on Abraham. She referred to OR stories about John as a “Johnism” or as an “Abraham story.” Swaine said he

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<sup>17</sup> Jim Lee left the party early. We did not speak with him.

<sup>18</sup> Swaine was drinking throughout the night. He had a few drinks but was not clumsy. He remembers details of conversations. He was not sober – he would not have driven a car – but he was ok. Dibadj reported having 2.5-3 drinks throughout the course of the night. He had one gin and tonic from the bartender; refilled the same cup again; and then Swaine gave him a drink he did not really drink Michael does not drink alcohol.

<sup>19</sup> Rosanova recalled introducing herself to Phillips and someone else she does not recall. She said Phillips did not say anything of substance and Rosanova does not remember her holding a drink. Phillips was either standing with one of Dr. Abraham’s roommates or a roommate walked up to them when they were speaking. The roommate – Asian looking – introduced himself to her and Phillips. Rosanova walked away shortly after. (Rosanova)

<sup>20</sup> He recalled nothing else from this conversation and had no other conversations with Phillips throughout the night.

was thinking: "I just met you, I do not want to tell you embarrassing stories. I don't know you." Phillips then told a story about Abraham but Swaine could not remember it. Swaine said Dibadj jumped in and told stories about Abraham. Swaine said Phillips's attention shifted towards Dibadj because he was telling the stories. When he left the conversation, Dibadj and Phillips were still talking. (Swaine)

Dibadj told Phillips stories about Abraham including Dr. Abraham ordering McDonalds in French, Dr. Abraham playing ball sports and Dr. Abraham eating a big piece of pizza and having a string of cheese hanging from his face. (Dibadj Follow up)

Dr. Phillips was asked: "Did you have any conversations or interactions with the individuals identified as Dr. Abraham's 'college roommates' or 'college friends' during the course of Dr. Abraham's June 23rd party? If yes, please recount the details of those conversations or interactions." Dr. Phillips responded:

To the best of my recollection, I had several interactions with them. They recounted funny stories from college. They described a time when Dr. Abraham attempted to order a whopper at Burger King in French and also told stories relating his difficulty with "ball sports." They asked me about residency and how it was to work with Dr. Abraham. His friend from Singapore explained that he had done some kind of TED talk and showed me a clip. His friend from New York gave me a tour of the house and talked about the various times he had visited.

### First Tour

#### **Dibadj's and Swaine's recollections of the tour**

At some point, Dibadj asked Dr. Phillips and Hill if either had been to Dr. Abraham's house before. Hill said he had not. Dr. Phillips said she came once for a book club but only saw the front room. Dibadj offered to take them on a tour. Only Dr. Phillips went on the tour. (Dibadj Follow Up)

Swaine saw Phillips and Dibadj enter the house for the tour. He was sitting inside with Dr. Lee. They were talking to two other women (maybe spouses; he got them drinks). He remembers Dibadj and Phillips coming inside. He went to talk to them and Phillips brought up that Dibadj had suggested a tour. Swaine thought Phillips was flirtatious towards Dibadj. He said it was Dr. Phillips's idea to take a house tour. Phillips said to Dibadj: "hey, you still haven't given me the tour." (Swaine)

They walked off; Swaine stayed downstairs. Dibadj left his drink when he left for the tour so Swaine went to the bar to get Dibadj and Phillips drinks. He "poked around" looking for them downstairs but did not find them so he went upstairs. He found them and gave them the drinks. He said they were standing "somewhat close" and assumed they were talking – they were in a

hall that connected different parts of the house. Swaine said Djbadj gave him a look and Swaine thought "okay, I'll leave you alone." He said he had "some sense perhaps he had interrupted something." Asked if he got Phillips a vodka/tonic, Swaine said that sounds familiar. He said it was possible he got her a drink earlier and remembered her order. Swaine said it was possible he got Phillips at least two drinks that night. In general, he was trying to get drinks for everyone throughout the night.

Dibadj did not recall Swaine bringing him and Dr. Phillips drinks while they were taking a tour. Dibadj said he remembered Swaine bringing him a drink much earlier in the evening. He was unsure whether he brought Dr. Phillips any drinks. Dibadj did recall running into Swaine during the second tour. (Dibadj Follow Up). It is unclear which version is correct.

According to Diabdj, they went from the basement, to the main floor and finished on the second level. (Dibadj Follow up) Dibadj said this was the first of two tours he gave her. They were not arm and arm. They spent about five minutes on the second floor. He did not recall being confronted by anyone about going upstairs with Phillips. (Dibadj)

#### **Domanico, Buchel and Kots See Dibadj and Phillips Go Upstairs**

According to Domanico,<sup>21</sup> while she was in the house waiting with Kots and Buchel to use the restroom, she saw Phillips and the curly haired roommate go upstairs. (According to Buchel they had already used the restrooms and were in the sunroom). Phillips and the roommate were walking side by side. He was on the left; she was on the right against the bannister. Phillips was rubbing her hand on Dibadj's left arm. (Domanico) According to Kots, Phillips and the roommate were speaking as they walked up the stairs side by side. (Kots)

Someone said "she shouldn't be up there with him. No good is going to come of that." (Buchel) Kots then said: "what's the deal with that? She's married." (Buchel) Kots remembered Domanico saying that's weird, why are they going upstairs? Kots said he knew she was married and may have said "where's she going? She's married."

Domanico told the group, "I'm giving them a minute and then breaking that up." (Domanico, Kots, Buchel) Domanico said she timed a minute and then she and Buchel started walking towards the stairs. There were two steps to a landing and then the steps upstairs. Domanico said she got to the landing and Phillips and the roommate were coming down the steps. (Domanico) (Buchel and Kots said neither Domanico nor Buchel had to follow them up the stairs because Phillips and the roommate came back down a couple of minutes later). They came down side by side. According to Domanico, they looked at her and she said "oh you got to be kidding me." Phillips walked away. The roommate did not say anything.

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<sup>21</sup> Dr. Kreitz saw Phillips enter the house with her arm around a guy that he did not know. He thought that was strange. He saw her again 10 minutes later. He thought her overall activity was strange. (Dr. Krietz said Dr. Beck and his girlfriend Anna agreed). Asked what concerned him about Phillips going into the house with a friend of Dr. Abraham, Dr. Kreitz said they did not know each other, her arm was around him, she is not like that. He did not recall her speaking to Dr. Abraham at all.

Asked why she felt the need to step in, Domanico said, "I didn't want any perceived nonsense while Dr. Abraham was in the pool." She said it "felt inappropriate." Asked what she thought was going to happen, she said: "they were going to have sex." Asked why she felt that way, Domanico said Phillips was "completely inappropriate" outside. She was hanging on everybody, making inappropriate gestures. It was an inappropriate situation. (Domanico) Kots said Domanico is protective; she did not want anything to happen. (Kots) Kots said when they went upstairs, someone said the roommate was giving Phillips a tour.

#### **Other Guests Tour House:**

Other party guests toured Dr. Abraham's home. DeNight,<sup>22</sup> Sanrocco, Song, Rosenovea, Dr. Kreitz and/or Hill took a tour of the house and then went back outside. (Song, DeNight) Sanrocco said Dr. Abraham did not mind them taking tours. Sanrocco went upstairs to another tour with Ciarrocchi, Kots, and maybe Brady. (Ciarrocchi)

#### **Domanico Tells Dr. Abraham his Roommates are "Creepy"**

Domanico spoke to Dr. Abraham about seeing Dr. Phillips and Dibadj going upstairs. She did not use specific names, but told Dr. Abraham that there are "two creeps around here" and that she did not like what was going on. (Domanico Follow up). She said: "I'm protecting my girls. I don't want any nonsense." (Domanico) She told Abraham that someone walked upstairs with a resident. When Dr. Abraham asked what happened, Domanico said "nothing, they came back down." She said she felt like she was overreacting and did not want to make a big deal out of nothing but she knew she was not staying late so she wanted Dr. Abraham to be aware. She said, looking back, she wishes she made more of a stink. (Domanico Follow up)

#### **Domanico (and Buchel) Confront Dr. Abraham's Roommates About Being "Creepy"**

About 30 minutes after her conversation with Dr. Abraham, Domanico was with Buchel at the far end of the pool. Dr. Abraham approached them with his two college friends (Dibadj and Swaine). Dr. Abraham said "hey these are the creeps." Domanico said it did not bother her that Dr. Abraham said that front of the roommates; she does not get embarrassed. She said "yes, I said did say that. I saw you go upstairs with Jessi." (Domanico follow/Domanico). Domanico said Dibadj responded: "she doesn't want to f\*\*\* me, she wants to f\*\*\* him," gesturing to Dr. Abraham. Domanico said that Dr. Abraham nervously laughed and said "oh no, that's not even happening." (Domanico)

Domanico asked the roommates what they did for a living. She recalls one saying he was in finance and one saying he was a lung surgeon. She remembers telling them that "they should be able to get a date and do not need to act like this." (Domanico Follow Up)

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<sup>22</sup> DeNight drove to the party around 9:00 p.m. after putting his son to bed. He said it was awesome and had a good time. When he arrived, he went straight to the back (around the pool) to Linda, Carly, Becky, and Sharlene. Everyone was drunk.

According to Buchel, Domanico said something to the roommates about being “creeps.” She said: “you shouldn’t have any problem getting your own dates with what you do.” Their response was something along the lines of: “we weren’t creeping around,” and Abraham chimed in and said “Aw Jeanette, they weren’t doing that.” Buchel did not recall Domanico mentioning that one of the roommates went upstairs with Phillips but she said Domanico stayed and spoke with them longer, while Buchel walked away, so they may have continued the conversation.

The first time we spoke to Dibadj, he stated that he did not recall being called a “creep” or being told not to “go after the girls.” He denied being confronted about going upstairs with Dr. Phillips. Dibadj also denied saying that “she (referring to Phillips) doesn’t want to f\*\*\* me, she wants to f\*\*\* him (referring to Dr. Abraham).” Swaine similarly did not recall the following: being called a “creep,” being told to “leave my girls alone,” Dibadj being asked why he went upstairs with Phillips, or Dibadj saying that Phillips did not want to F\*\*\* him, she wants to F\*\*\* Abraham.

During a follow up conversation, Dibadj was again asked if he recalled a criticism or suggestion that they (he, Swaine or Michael) were creeping on women (even jokingly) in front of Dr. Abraham. Dibadj said yes, by the pool. Three women and Dr. Abraham were in the conversation. One woman seemed like she organized the operating room (we believe this to be Domanico, whom he later referred to as “mama bear”). Domanico said something to the effect of “no one messes with my girls.” At no time did Dibadj find this conversation confrontational. He did not feel like the statement was directed at him or Dr. Abraham. The conversation transitioned into talking about how Dr. Abraham changes the operating room protocol at the last minute in a joking manner. When Dr. Abraham left the conversation, he remembers conversing with “mama bear” about setting Dr. Abraham up romantically. From Dibadj’s recollection, the conversation was amicable. He did not recall any conversation about Dr. Phillips being interested in Dr. Abraham. He also did not recall “mama bear” asking what he does for a living or her saying that he should be able to find a date. He recalls Dr. Abraham telling her that he was in finance. (Dibadj Follow up)

### **Band/Dancing**

The band started playing around 9 p.m. (Dr. Schwenk arrived at Abraham’s house between 6 and 7 p.m. to set up. The band was supposed to start at 8 p.m. but the bass player was late so they did not start until 9 p.m.) The band played two sets – 45 minutes each. (Schwenk) At the end of first set, Dr. Abraham made a speech thanking everyone for coming and for their work throughout the year. (Schwenk) They had cake to celebrate Buchel’s birthday and other June birthdays. (Mealey)

The staff reported singing and dancing with the band. (Buchel, Cotton). Payne spent most of the evening with the band and/or the nurses and managers. She said she was singing with the band for most of the night and was drinking a lot. (Payne, Cotton) Mealy reported that she was mainly outside and dancing a lot with the band. She does not recall Phillips dancing but she reporting drinking a lot as well and does not have a great recollection of the dancing in general. (Mealey). The band stopped playing between 10:30 and 11 p.m. (Schwenk)

We heard mixed reports as to the roommates' interest in the nurses. Many guests, including the nurses, did not recall the roommates expressing particular interest in the nurses. Cotton did not recall the roommates paying attention to the nurses. Sanrocco did not speak with the college roommates or see anything out of the ordinary involving the roommates. (Sanrocco) According to Schwenk, a few nurses had a lot to drink. He did not recall any older guys hitting on the younger girls. (Schwenk)

However, Buchel told us two college roommates were "hanging around my nurses" throughout the evening so she was "making sure her girls were okay." She said the roommates were "on the prowl" and putting their arms around girls' shoulders.

Minda did not recall the roommates dancing or interacting with the nurses. But she recalled one of the roommates (Swaine) approaching Payne right when they arrived. He "focused on her and it was creepy." Minda said he was watching Payne while she was dancing. No one spoke to him or paid attention to him and eventually he left. She thinks he got the unwelcome feel. She did not hear anyone talking about the roommates during the party. She did not hear anyone call them creepy. (Minda)

Ciarrochi and DeNight reported that at approximately 10:30 p.m., the shorter Asian roommate (Swaine) was talking to Mealey, who was really drunk. They, along with Roseanova, brought her back to the group. (Ciarrochi, DeNight) The Asian roommate said "Sharlene, come back!" (DeNight) Mealey said that, after the party, DeNight told her that the Asian roommate was "after her." She said he insinuated that the roommate was trying to dance with her and Payne because they were "apparently the two drunk girls." She said she was dancing a lot. She does not recall him getting close.

Domanico said she was not under the impression that the roommates were hitting on the residents. She noticed them putting their arms around some of the residents who were dancing, but said they were not acting in an aggressive manner. Domanico said she did find it weird that the roommates were mingling so much with the staff. She said the party contained several different groups of people (coworkers, neighbors, college friends, etc.), and that most people were only mingling with the group they came with.

Swaine said when he tried to find other people to speak with but it did not go so well. He said he attempted to mingle but people were hanging out in small groups and did not seem interested in speaking with him. He said it was an annual department party that people looked forward to and he was not trying to force people to talk to him. He floated around, and then tried to find Michael and Abraham again. (Swaine)

#### **Dr. Phillips and Hill Upstairs**

According to Hill, at one point, Hill and Dr. Phillips told Dr. Abraham that they would like to go in the pool but they did not have bathing suits. Abraham brought them upstairs and offered bathing suit trunks. Hill took the trunks. Phillips thought about it. Hill told her if she wanted to go swimming, take the trunks and leave your shirt on. They were in a guest room.

Abraham left. Hill went into the bathroom and changed into swim trunks. Phillips declined the trunks. (Hill)

When Hill came out of the bathroom, Phillips was looking out a window. Hill went to the window. He said everyone at party saw him, he was thinking about jumping in the pool from the window. The pool was at least 6 feet deep. People at the party were yelling up: "Jarele, you coming in?" Hill had taken his shirt off and was wearing a "wife beater." Hill decided not to jump. At some point Phillips left the room. Hill did not believe Dr. Phillips was intoxicated. (Hill)

A number of attendees saw Hill and Phillips in the windows, which were right above the pool. (Domanico, Sanrocco, DeNight, Ciarrocchi) They were overlooking the party. Domanico reported that Phillips was in one window dancing. (Domanico) Others reported that Phillips was just sitting by the window. (Ciarrocchi) Hill was in the window on the other side. Everyone was looking at them and cheering. (Domanico) Payne yelled up "Rapunzel, Rapunzel, let down your hair!" (DeNight, Minda) Payne did not recall making the comment. People yelled "what are you doing?!" (DeNight)

When Hill came down, Sanrocco asked: what were you doing? He said "I don't know." Sanrocco asked again. Hill said "I don't know." (Sanrocco) According to DeNight, when they came downstairs, Phillips said "they were trying to get me to wear Dr. Abraham's bathing suit." They messed around with her and asked if Abraham's bathing suit fit. She said no and laughed. DeNight did not know if Phillips was drunk. She was not falling or slurring.

### Pool

Several people reported jumping in the pool around 10:30/11 p.m. Beck said he jumped in the pool at about 11:00pm, and then a number of people followed him in including Abraham, Victoria, Wisniewski, Krietz, Krietz's girlfriend Anna, and Sanrocco. (Beck) Krietz reported that Beck jumped in the pool in his boxers, Krietz borrowed gym shorts from Abraham, Anna and Beck's wife jumped in in their dresses. Hill and Christopher were also in the pool. (Krietz, Christopher) Wisniewski took off his shoes and socks and jumped in in his clothes. (Wisniewski)

Dibadj reported seeing Phillips later that evening (after being upstairs with Jarele) at the pool. Swaine and John were in the pool, Phillips was at the pool area. (Dibadj) Casciato also reported seeing Phillips again later around the pool. Phillips told him she wanted to go swimming "but only had a thong on." He said something along the lines of "knock yourself out, it's cold" and walked away. Casciato said he felt like she "was like a younger kid." He said this was the last time he saw Phillips – probably an hour before he left (left at 12:30). He also mentioned during our interview that if "we weren't having this serious conversation, I probably wouldn't have thought much about these interactions."

**11 PM Departures:**

Domanico, Buchel, Boyle, Ciarrocchi, Kots, Minda<sup>23</sup> and Payne reported leaving around 11 p.m.

Buchel said when she was leaving around 11:00 pm, Phillips put her arm around her and said "you're not leaving yet, right?" Buchel had never seen this carefree, happy go lucky, bubbly side of her. She said she did not see Phillips drinking, but it seems like maybe she had a couple of drinks because she was acting out of character.

Ciarrocchi reported that when he was leaving around 11 p.m., Phillips approached him and said hey. He said she might have been drunk but did not see her drink. He said Phillips was louder than usual and maybe slurring a little. He told her he was leaving and she said something along the lines of "aw, don't go." Dr. Abraham was in the pool. He got out, gave Ciarrocchi a wet hug and said goodbye. Dr. Abraham did not seem intoxicated.

Christopher also reported around that time he was leaving Dr. Abraham had jumped into the pool and asked Christopher if he was going to jump in. Abraham did not appear drunk. Christopher was in his car by 11 pm.

**Fire Pit**

Wisniewski reported that after the pool, he, Krietz, and Beck helped set up a bonfire. People started migrating over. He remembers Abraham, Casciato, Song, Sanrocco, and Hill around the bonfire. (Wisniewski) Beck recalled Victoria, Krietz and Anna, the band, Christopher and Kloeffer being around the fire. (Beck; Christopher) Abraham handed out cigars. (Wisniewski) Schwenk went to the fire pit after he finished playing. Swaine also reported going to the firepit after getting out of the pool.

DeNight saw Abraham lying on Mealey and Cotton's laps smoking a cigar and around the bonfire. He said: "I'm done, they're all adults." When he was leaving, he told Sanrocco to watch out for Cotton and Mealey because they had a lot to drink. Mealey does not recall Dr. Abraham lying across her and Cotton's laps at the bonfire. She does not recall Cotton being with her at the bonfire. She said it was possible that this happened but she does not remember. She really just remembers Dr. Abraham trying to get everyone to smoke the cigar. (Follow Up Interview)

Mealey recalled that, before leaving, she was sitting by the bonfire with one of the band members and a resident's wife. At one point, Abraham was around the fire with a cigar. Mealey

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<sup>23</sup> Minda said she left with Payne around 11:15 (Payne told us she left at around 11:45 pm) while people were in the pool, sitting around a fire pit, maybe 20 people. She did not go inside before leaving (she had only gone inside to use the bathroom and did not tour the house). She said goodbye to Dr. Abraham. She did not see people near the piano. Minda did not drink because she was driving. She did not see anyone acting inappropriately. She did not see Dr. Abraham or Dr. Phillips drinking.

tried the cigar; it was gross. Abraham was speaking with one of the guys from the band and Beck's wife about his roses around the house.

Kloepher reported that when he was around the fire pit, Dr. Abraham was being a gentleman. He was not intoxicated. The only one he recalled being intoxicated was Beck, who "was having good time" and always had a drink in his hand. Beck was the only person Kloepher saw with a drink in his hand after the bartender left.

#### Ali /Phillips Drink/Picture Outside (12:00 am)

According to Dibadj, at one point in the evening Phillips did not like her drink. The bartender was not there so he went to Dr. Abraham's liquor cabinet to get her something else. Dibadj took out scotch or whiskey (McCallan) and said "John said this is good." Phillips replied: "no, I want that one" and pointed to an unopened wooden box. It said the same thing – McCallan. Dibadj said "it's closed." She said: "I'm not a dumb girl, I'm a smart girl" and wanted a drink from the unopened wooden box. She also asked for a crystal glass. Dibadj said, "it's not mine, I can ask John."

When he and Phillips went outside to ask Abraham about opening the whiskey/ scotch, there was a group picture being taken. (Someone texted the picture to Abraham the next day, and Abraham showed the picture to Dibadj. He did not have the picture himself.) We later learned Schwenk's phone was used to take the group picture. The photo is time stamped 11:59 p.m. Kloepher, Hill, Sanrocco, Dr. Schwenk, Casciato, Dr. Phillips, Dr. Abraham and Dibadj were in the picture. (Schwenk) (See Exhibit 3).

While Abraham and Phillips were in the picture, Schwenk did not remember Dr. Phillips being outside at the fire pit with them. Schwenk cannot remember Abraham and Phillips interacting with each other that night. Similarly, Kloepher, who was also in the picture, said he did not know Phillips was there.

#### Piano<sup>24</sup>

When Dibadj and Phillips went back inside after the photograph, Dr. Phillips sat at the piano with DeJoseph. Dibadj poured Dr. Phillips approximately a quarter an inch of whiskey into a cup and brought it to Phillips in the piano room. (Dibadj and Dibadj Follow Up)

According to DeJoseph, he did not socialize with Dr. Phillips until a little after midnight when he was playing the piano. Phillips walked in and saw him playing. She sat down next to him on the bench. She said: "I didn't know you played piano." She was telling him how good he was. She "started rubbing me a little bit." She rubbed DeJoseph's right arm. She was kind of

<sup>24</sup> Michael recalled her having conversations with Dibadj – just speaking in a group with other people he did not know, and in the house by the piano at one point. Michael did not see Phillips sitting on the piano bench. He said at the time another gentleman was sitting at the piano and she was standing next to him.

“swooning.” DeJoseph: “felt like she was hitting on me.” He was “a little uncomfortable ... mainly her being close and the touching made me uncomfortable.” He would stop playing the piano and Phillips would say “don’t stop.” DeJoseph said “she started nibbling on my ear.” Her teeth were on his ear. He stopped playing again. He looked over at his friends.

Asked if the “nibbling” could have been an accident, if Phillips could have fallen onto him, DeJoseph said it would a “stretch” to say it was an accident. He took it as a romantic overture. They were on the piano bench for five to ten minutes. She started rubbing his arm about five minutes in. She had a cup and was drinking something dark. He noticed she had a ring on. Asked if she was drunk, DeJoseph said: “I want to say that’s the reason, but I don’t know.” He again said he had not talked to Phillips prior to that incident. DeJoseph said he was uncomfortable so he said “I’m leaving.” Phillips said: “why are you going?” DeJoseph told her he was going back to the city with his friends. DeJoseph said she seemed upset that he was leaving with his friends. She asked: “Why are you going out in the city?”

Sanrocco reported that Phillips was flirty with DeJoseph at the piano. DeJoseph was playing piano and Phillips was “being affectionate.” They were laughing; he saw her hand on his thigh. Sanrocco saw Phillips nibble on Vince’s ear – a “quick little thing”. Vince “shot him a look like what’s up with that.” Sanrocco kind of looked away. He felt like it was weird to watch. (Sanrocco)

Cotton<sup>25</sup> said she, DeJoseph, (Mealey) and Sanrocco were in the house and ready to go. Cotton, Sanrocco and DeJoseph wanted to go out in city. They were planning their Uber. DeJoseph was playing the piano. Phillips sat on the piano bench and Cotton saw her rubbing DeJoseph’s arm and leg. She saw Phillips nibble on DeJoseph’s ear. Phillips was seated next to DeJoseph. Cotton said when Phillips nibbled on his ear, DeJoseph pulled his head/neck back (she demonstrated). DeJoseph’s reaction was not rude but he was pulling back. She thinks he was on left, she was on the right. Cotton had “no clue” if Phillips was intoxicated.

Dibadj also said he observed Phillips’ arm over DeJoseph’s shoulder. Phillips was whispering in his ear. She was trying to get him to sing. Phillips said “don’t be a pussy” to DeJoseph, and “if you do this, I’ll do this...” and started whispering something in his ear which Dibadj could not hear. Dibadj said he did not think he should be there. He walked away to put the liquor box back in the bar.<sup>26</sup>

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<sup>25</sup> Cotton said Phillips was flirty with DeJoseph. She said Phillips is “bubbly, flirty, touchy in general.” Asked to explain, she said at work she will say “oh hi Carl!” and reach out and touch her. Cotton said she is not touchy feely so if anyone touches her “it’s like, ok.” Cotton did not see her flirting with anyone other than DeJoseph at the party.

<sup>26</sup> Dibadj also told us he previously witnessed Phillips at the piano with another gentleman he did not know. He said it was a similar thing with Phillips saying “do this, do that” to him. He remembers the gentlemen saying he was self-taught on the piano which he thought was cool. He does not recall if she was touching him or if anyone else was there. Dibadj said the man was relatively tall with grey/blonde short hair. He said he seemed quiet and uncomfortable with the pushiness while playing the piano. [We do not know who he is referring to.]

Wisniewski<sup>27</sup> and Song walked inside because Song was ready to leave. They saw Phillips and DeJoseph on the piano bench. DeJoseph was playing the piano and Phillips was “all over” him. He is not sure if he saw Phillips nibbling on Vince’s ear, but he said he saw that their heads were very close together. Phillips’ had her arm around Vince. Their backs were towards Wisniewski. Wisniewski said he did not want to “interrupt the moment” but he walked over to DeJoseph and nudged him to call an Uber.

Song also reported walking into the house with Wisniewski around midnight and seeing Phillips with DeJoseph at the piano (it was after Song came inside from smoking cigars at the bonfire). When Song entered the room, she could only see Phillips and Vince’s backs on the bench. She did not physically see their arms around each other. Song remembered DeJoseph and Phillips exchanged numbers then DeJoseph left the room.<sup>28</sup>

Dr. Phillips was asked: “Did you have an interaction with Vince DeJoseph at the piano in Dr. Abraham’s home at the end of the night? If yes, what do you recall about that interaction?” Dr. Phillips responded:

I believe the term “end of the night” is vague, however I did interact with Vince. The interaction occurred close in time to when I started losing my complete memory of the evening. While Vince was playing the piano I sat down next to him and expressed surprise. I had known him since I was a student but did not know he could play. He explained how he had learned. I believe he said he was self-taught. Prior to the party I had not seen him for some time. I asked how he had been and how his girlfriend was. He explained that they had broken up but that he was doing fine. The college friend from New York showed me a special bottle in a cabinet nearby and poured me a drink of it. I do not recall seeing Vince again after that.

After DeJoseph left, Song, Phillips and Wisniewski were the only ones in the room. Wisniewski said that while Phillips was still sitting on the piano bench, she grabbed his pant leg, and said “Hey Matt.” He thought the tugging on the pants was strange but maybe just her way of saying hi. Phillips also sang the “Hey Jessi” song to Wisniewski (a song that he had previously sung to her at work). He said he could hear Phillips slurring a little bit.

According to Song, Phillips said to Wisniewski: “Matt, what am I going to do without you?” Song said she remembers Phillips mentioning that she was doing a rotation at a different hospital. Song assumed she was talking about not having Wisniewski at her next clinical rotation. She thinks Wisniewski and Phillips were sitting on the piano bench facing each other during their interaction. She was not part of the conversation. She does not recall what was said.

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<sup>27</sup> DeJoseph told us Wisniewski was pretty drunk and that was part of reason he (DeJoseph) left.

<sup>28</sup> DeJoseph told us Phillips never sent him any text messages or emails. We attempted several times to conduct a follow up interview with DeJoseph on this point but he did not respond.

Song said when Phillips and Wisniewski were talking by the piano, Phillips kept touching Matt's hand; she was clearly drunk. Asked if she saw Phillips drinking she said no. But "for her to be acting that way" she thought she must have been drunk. Song said: "she was acting very inappropriately. Why was she acting that way in front of everyone else?"<sup>29</sup>

#### Phillips Is Asked About Returning To The City:

A number of guests reported that Phillips was asked if she wanted to go back to the city with them at around 12:30 a.m. This was reported by both Jefferson staff and the "roommates."

DeJoseph reported that, in response to Phillips saying "don't leave," they told her she could come with them. "She didn't come." He said they did not really want her to come but they asked. Cotton similarly told us that someone said to Phillips: "you can come if you want." Cotton does not recall who asked. Cotton does not recall Phillips' response but Phillips did not leave with them. Song said "one of the guys" – DeJoseph or Sanrocco - invited Phillips to come out with them. She does not recall if Phillips responded.

Wisniewski thinks DeJoseph, Sanrocco and Cotton were trying to get Phillips to come out with them after the party. He heard Phillips say: "I'm staying over." He is 99% positive that she said "I'm staying over." Wisniewski said he had heard from some residents that Abraham said anyone can stay over after the party if they need to.<sup>30</sup>

Michael Chen reported: "I do remember that when Phillips was at the piano with 'the Rep.,' the Rep. asked her if she wanted a ride back." Her car was a bit away from the house. She said "no, I think I want to stay at the party longer." It was towards the end of the party and most people were filing out. He described the man at the piano as shorter, possibly with a beard, and that he might have been a representative. He said this was towards the end of the night when he was in the piano room just sitting by himself. [We do not know whom he is referencing].

Separately, Hill saw Phillips right before he left. He said everyone's Ubers were coming. Hill walked into the house and saw Phillips and Abraham's friends. Hill was considering staying. Hill gave Phillips a hug. He asked if she was leaving. She said I'm going to "stay a little bit longer" or "stay for a little bit". By then, it was just Abraham and his college roommates. Hill said he felt uncomfortable staying. He was drunk. He was concerned he would not be able to get

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<sup>29</sup> When Kreitz was leaving, Kreitz saw Phillips through the window. Phillips was by the piano with her arm around Vince. Kreitz thought it was strange. She's married and had her arm around another man. She was the only female resident left. Vince was playing the piano. When he left, he did not have the sense she was intoxicated. Asked if he had any concerns about her behavior at the party, Kreitz said, in retrospect yes but not at the time. He just thought her behavior was odd.

<sup>30</sup> We asked if Beck if Abraham said anyone could stay over after the party. Beck did not remember hearing that personally, but in the past residents have stayed over after his parties. Asked the same question, Kots said he was unsure if there was an open invitation to stay over. Kots said Abraham jokingly told Kots to bring a tent because he had buddies staying over. The only people he knew were staying were Abraham's roommates.

a ride. Hill called Sanrocco, who said his Uber was there. Hill decided to leave in Sanrocco's Uber. Asked if it struck him as odd that Phillips stayed, Hill said: "Yes. Usually surgeons all leave at the same time." Asked if he did anything in response, Hill said: "No. Phillips is older than me."

Hill said Phillips did not seem intoxicated. "She seemed kind of normal. Maybe she had some beers. She seemed normal. She didn't seem impaired." Asked if she had been intoxicated, would he have questioned her staying? Hill said: "I probably wouldn't have questioned it, but I was intoxicated and was just worrying about myself." When Hill was leaving the house, Phillips continued her conversation with the three friends from college. Hill did not see Abraham in the house. (Hill)

Dibadj also reported that at one point, he was sitting on the kitchen counter speaking with Hill. Hill said "hey, we're gonna go" to Phillips, to which Phillips replied "I'm going to stay." He said Hill was being sort of pushy about it. Phillips said "no, no, no, I'm staying." (Dibadj)

Asked "What time did the party end?" Dr. Phillips responded:

This question is vague and therefore it is difficult to provide an answer. I do not know if there was a specific time that the party was supposed to end or in fact did end.

Asked "Why did you stay at Dr. Abraham's home after others departed?" Dr. Phillips responded:

This question is vague and therefore it is difficult to provide an answer. Because I do not have a complete memory of the evening I do not know if I was the only person to stay in Dr. Abraham's home overnight. I stayed because I drank more than I intended to. I was too intoxicated to drive and planned to sleep on the couch until it was safe to drive. I may have stated this to Dr. Abraham.

### 12/12:30 Departures

The caterer, bartender and servers left between 11:30 p.m. and 12 a.m.<sup>31</sup> Dr. Beck left the party at around 12:10 a.m. Dr. Kreitz took an Uber back at 12:24 a.m. When Dr. Kreitz left, only a handful of people were left.

Kloepfer and Casciato left at approximately 12:30 a.m. (Kloepfer, Casciato) Casciato left through the driveway and said goodbye to everybody by the fire. He said Abraham was

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<sup>31</sup> Yotter thought the party started to wrap up around 11 pm at which time he probably stopped actively serving drinks behind the bar. At the end of the night he boxed all the liquor up and left it under a table. There was very little beer and wine left.

Yotter's "educated guess" was that he left between 11:30 and 12. 12/15 people were still there. They were generally in same area as the rest of party – in the pool area and in the lower garden area where there was a fire pit.

socially drinking; nothing crazy. He was “maybe buzzed.” They were talking about climbing in Alaska, which was a detailed route. He said Abraham was happy and having fun.

The group that was organizing Ubers around the time DeJoseph was playing the piano, (the “young crowd”) left around 12:30/1 a.m. in two Ubers. DeJoseph ordered one Uber. He rode back to town with Cotton, Song and Wisniewski. DeJoseph said they talked about Phillips during the Uber ride. Cotton asked “What the heck was that?” (DeJoseph)<sup>32</sup> Cotton said when they were in the Uber, DeJoseph said: “did you see Jessi?” Cotton said: “yah, that was weird.” DeJoseph said Dr. Phillips is married. Cotton said DeJoseph got Phillips number. Cotton thinks it was because she might come out to meet them but Cotton does not exactly remember. Cotton said “the Dr. Phillips thing with Vince was weird. Phillips doesn’t really know Vince. She was married. This is weird. Why is she doing this?” She said DeJoseph is shy in general. (Cotton) Song also said they talked about Phillips’ behavior in the Uber. They talked about how she was behaving weirdly. DeJoseph said when he was playing the piano, she bit his ear. They talked about how she was wearing a ring and “how big her rock was.” (Song) Wisniewski said they talked about how fun the party was. He thinks DeJoseph said he got Phillips’ number. He did not recall if DeJoseph said she texted her number or gave it to him.

Hill, Sanrocco and Mealey were in the second Uber. Dr. Abraham said goodbye to them outside right before the Uber came. Abraham gave Mealey a hug and shook Sanrocco’s and Hill’s hands. (Hill, Sanrocco) Hill said he believed Abraham was intoxicated. He thought he was less intoxicated than him (Hill) but more intoxicated than Phillips. Hill did not think Abraham was impaired enough to not know what was going on. Abraham still had control of faculties. (Hill) Hill said they discussed Phillips in the Uber. They were puzzled. “Do you all know Jessi is still there?” “Why do you think she is still there?” Hill said usually at those parties everyone leaves at once. He said it was “awkward” that a resident was staying with a surgeon and his roommates.

When they got back to town, Hill, Sanrocco, Mealey, DeJoseph and Cotton got food in Chinatown. Sanrocco said they talked about the Phillips nibbling DeJoseph’s ear. Sanrocco said he assumed Phillips was drunk “like the rest of us”. But he did not think she was “on another level.” (Sanrocco) DeJoseph told Mealey that Phillips sat next to him when he was playing the piano. She heard Phillips was all over him. Mealey described DeJoseph as shy and quiet. (Mealey)<sup>33</sup> Hill did not recall people talking about Phillips at the restaurant. Everyone was saying it was an awesome party.

### Second Tour

It appears shortly after the “young crowd” left the house, and Phillips stayed behind, she went on a second tour of the home with Dibadj.

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<sup>32</sup> DeJoseph said the only two people he can remember talking about it are Carly and Anthony. He thinks they both saw it.

<sup>33</sup> Sanrocco said DeJoseph told him that Phillips had texted him. He was not sure if Phillips texted her phone number or texted him substantively. It was before this was a “big deal” so he did not take too much note of it.

Dibadj said they went on the second tour after the fire pit group picture. He estimates that the second tour occurred around 12:30 a.m. based on the timing of the photograph. (Dibadj Follow up) They went to the workout room, bedroom, bathroom, and weight room. He said it was “classic John” and good for the “roast.” (Dibadj) Dr. Phillips called the second tour “Tour 2.0.” She wanted to see the rest of the house. They went through the four rooms and then ran into Swaine. (Swaine believed this happened during the first tour.) At that point, they went back downstairs. (Dibadj Follow up) Phillips went outside. Dibadj did not see Phillips again after she went outside (Dibadj)

### Swaine Sees Dr. Abraham and Dr. Phillips Outside

After Phillips went outside, Dibadj was inside with Swaine and Michael. (He said he hung out most of the time with Swaine, Michael and Dr. Lee). Dibadj guessed the last group that left was the DeJoseph and Hill crew. Swaine went outside to turn off the tiki torches. Swaine came back and said it was just Abraham and Phillips outside. He said they were “together.” (Dibadj)

Swaine had a hazy recollection of Phillips and Abraham going to the fire pit with their arms around each other. He thought Abraham had his arm around her waist and Phillips had her arm around his shoulder. He said he possibly told Dibadj that Abraham and Phillips were together.

Swaine said that Dibadj told him that Phillips liked Abraham. The context of the conversation was that when Swaine went upstairs it seemed clear he was interrupting something and Dibadj had given him a “why are you breaking this up” look. Later, Dibadj said to him “come on, you very clearly interrupted. Why were you coming up there.” Swaine said “I’m like ok”. Dibadj then said “it’s clear she likes John”. Swaine did not inquire further. He also told us Dibadj was married.

Dibadj initially denied saying that Phillips liked Abraham, not him. (Dibadj) During a follow up call, he said he may have said something to that effect the following morning when the group of friends reconvened downstairs. The only ones present during this conversation would have been himself, Michael and Dr. Abraham. Dibadj did not recall Dr. Phillips suggesting that she was into Dr. Abraham. But he did take note that she asked where Dr. Abraham’s bedroom was when they were on the first tour. He did not think it was strange because at the time he thought they were friends. (Dibadj Follow up).<sup>34</sup>

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<sup>34</sup> According to Michael, Dibadj told him that when they were in a room during the tour, Phillips said “Oh it’s too bad it’s not John’s bedroom.” Michael thought this was suggestive, but did not remember details. He said “Ali would know more” about this. He said he thinks that comment “raised Ali’s eyebrows” and “alarmed him.” (M. Chen) Dibadj said he noted that Phillips asked where Dr. Abraham’s bedroom was when they were on the first tour. He did not think it was strange because, at the time, he thought they were friends. (Dibadj Follow up)

**Phillips – Intoxication**

Dr. Phillips was asked the following questions and provided the below responses:  
“What were you drinking and how much alcohol do you think you consumed?”

To the best of my recollection, I served myself two small glasses of red wine. I was served a mixed drink by Sharlene, an OR nurse. Dr. Abraham’s college friend from Singapore served me two drinks which I was told were vodka and tonic. Dr. Abraham’s other college friend from New York served me a drink from a special bottle; I was not told what it was however it tasted like bourbon. Because I do not remember certain portions of the evening, I do not know if I consumed any more alcohol.”

“Were you being served alcohol by Dr. Abraham?”

I do not recall Dr. Abraham serving me alcohol directly. I believe that he purchased whatever alcohol I consumed.

“Do you believe you were intoxicated?”

I was intoxicated.

“In your opinion, did Dr. Abraham know you were intoxicated?”

Yes.

“Are there others who attended the party that are able to verify your level of intoxication; if so, who are those people?”

I believe this question is vague and therefore it is difficult to provide an answer. I can say that the last people I remember seeing other than Dr. Abraham were his two college friends. The last conversation I recall having with someone I had known prior to attending the party was with Vince.

“When the party ended, were you and Dr. Abraham the only people in the home?”

This question is vague and therefore it is difficult to provide an answer. I do not know when the party “ended” or if in fact there was a specific time it was supposed to “end.” I can say that at least one of his college friends had told me earlier in the night that he was staying at Dr. Abraham’s home.

**General Impressions of Dr. Phillips's Intoxication Level**

The two college friends who spent time with Phillips were Swaine and Dibadj. Asked if he could tell if Phillips was drunk, Dibadj said it was hard to tell because he does not know her. He did see her with a drink in her hand. When asked later if he thought Phillips was inebriated, he replied "I don't know if she was inebriated; she was certainly friendly."

Swaine did not recall her being noticeably drunk. He recalled that around midnight he accidentally pronounced Jarele's name wrong. Phillips quickly corrected him and teased him. She said "your emphasis is on the wrong syllable." She was not slurring. She certainly was coherent.

When Michael spoke to Phillips towards the middle to end of the party, he said Phillips did not appear drunk. (M. Chen)

DeJoseph reported that, when she was at the piano, Phillips had a cup and was drinking something dark. Asked if she was drunk, DeJoseph said: "I want to say that's the reason [she was acting the way she was], but I don't know." He not did otherwise interact with Phillips during the party.

We received an array of opinions as to whether Phillips was drinking and was drunk. Several people said they did not see Phillips drinking during the party. Kreitz got the impression Phillips was not really drinking. He said Phillips was always very put together, proper. Kreitz was by the bar and he did not see her get a drink. Some reported that they did not see Phillips drinking, but thought that she "must have been drunk" based on her behavior. (Song: "for her to be acting that way" she must have been drunk). Other guest reported seeing her drinking but did not believe she was drunk. (...) Hill and Wisniewski reported that they thought she was buzzed or drunk. (above)

DeNight, who saw Phillips after she came down from being upstairs with Hill, did not know if Phillips was drunk. She was not falling or slurring.

**General Impressions of Dr. Abraham's Intoxication level**

Most guests reporting seeing Dr. Abraham drinking but said he seemed "normal" and did not appear drunk. (Schwenk, Song, Mealey, Domanico, Cotton, Beck<sup>35</sup>) Boyle reported that Dr. Abraham was social, talking, fun, they were dancing. No different than usual.

Others said he was "buzzed" or drunk. (Kots, Wisniewski, Dibadj (he was "probably" drunk)). Sanrocco said Abraham was drunk, happy go lucky, having fun, being a conversationalist. Wisniewski said Abraham was "maybe buzzed, happy, giving hugs to

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<sup>35</sup> Dr. Beck's wife had an extensive conversation with Abraham around the fire and reported that he was coherent. They spoke about his plants and his kids and Abraham showed her pictures of his kids. Dr. Beck saw Dr. Abraham drinking, but said he did not appear drunk. Dr. Beck said he has seen Dr. Abraham drink more at other events.

everyone, and dancing with them when they were all jumping around.” DeNight did not see Abraham drink but assumed he did based on the way he was “walking and talking.” He saw him smoke a cigar. Krietz said Dr. Abraham had a few drinks, he was not slurring his words.

### **General Impressions of Drinking/Intoxication**

Yotter said it was a fairly well behaved party. He did not observe anyone who had lost control of their faculties. However, there were a couple of people whom Yotter would not serve beers. He did not want Dr. Abraham to be liable. There were maybe a half dozen men, half dozen women who were intoxicated and he declined to serve directly. They were not wasted but he could tell they had had drinks. The only person Yotter could identify specifically was Hill (whom he identified in the Schwenk photo). He declined to serve him but knows he had drinks during the party. Yotter said a couple of people brought coolers with alcohol. He saw Hill with bottles of beers.

Yotter did not have any memory of Dr. Phillips (whom we identified using the Schwenk photo). He said she did not stand out in one way or another. He said he could only tell us what happened in his line of vision.

Yotter said over the course of day (6 hours), he believes he made Dr. Abraham two drinks: one margarita in 6 oz glass and one gin and tonic in a 6 oz glass. Yotter was confident that he gave Dr. Abraham everything that Dr. Abraham drank. He also gave Dr. Abraham a couple of club sodas.

Ciarrocchi described Sanrocco, Hill, Puppolo, Song and Rosenova as the “rowdy group” because they were “a little louder than the rest of us.” He also said Mealey, Hill, Song, Wisnieski (who jumped in the pool with his clothes on), and possibly Cotton were drunk. Mealey and Payne described themselves as the “drunk girls” who were “feeling no pain.”

### **Roommates Go to Bed**

Swaine had an early flight so he and Dibadj went upstairs after the fire pit. Swaine and Dibadj were staying in bedrooms that were connected by a bathroom. They shared the bathroom. (Swaine) According to Dibadj, Swaine takes showers at night. Swaine took a shower after the party. Dibadj went into the bathroom to get ready for bed after Swaine’s shower, so he estimated it took him probably 45 minutes to an hour to get ready for bed.

### **Dibadj Hears a Woman’s Groans**

When Dibadj was in bed, he heard low talking and giggling. He thought it was coming from the first floor, which was closer to his bedroom (Dibadj’s bedroom was at the top of the stairs) than Dr. Abraham’s bedroom was. He thought it was coming from the library. Dibadj heard 3 separate instances of sexual sounds from a woman. He referred to the sounds as

pleasurable grunting. The first time he heard 8 to 10 groans from a woman (ah, ah, ah...). Then there was a pause and more talking that he could not understand. Then another 8 or 9 groans. He said there was a longer pause. Then he heard 8 or 9 groans again.<sup>36</sup> He heard shuffling around before falling asleep. He set his alarm to see Swaine off. He remembers thinking if I wake at 8 "it's not a disaster" so he thinks he went to sleep around 1 or 2.

Dr. Phillips was asked the following questions and provided the following responses:

Do you have a specific recollection of having sexual intercourse with Dr. Abraham?

I believe the premise of this question suggests consensual sexual intercourse and therefore I do not agree with it as written. I do have limited memory of being sexually assaulted by Dr. Abraham. I have difficulty remembering after a certain point in the evening. I only have flashes of memory. One of the flashes of memory I have is of Dr. Abraham being on top of me in the library on the floor. When I awoke the next morning I recall being in his bed naked, in pain, and terrified because I could not remember how I got there or all of what happened the night before. I went to use the restroom and I remembered that I had been on my period, however I could not find my tampon string. I had no memory of removing my tampon. This made me very scared. I identified the tampon deep inside and with significant effort was able to remove it."

Did you consent?

No. I was not capable of consenting.

Do you believe that as a result of your intoxication you were unable to consent to what occurred?

Yes.

Do you have any reason to believe you were drugged?

This question is vague and therefore it is difficult to provide an answer. I do not know whether I was drugged or not.

Did Dr. Abraham use a condom?

I do not know.

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<sup>36</sup> (Ali Follow up: He recalled two or three sequences of moaning coming from a woman's voice.)

Swaine did not hear anything while he was sleeping, including sex noises. He said he is a pretty heavy sleeper. (Swaine; Dibadj) Michael did not hear anything unusual during the night. He heard no noises and did not hear Swaine leave in the morning. (M. Chen)

## **SUNDAY JUNE 24<sup>TH</sup>**

### **Swaine Leaves**

Swaine guessed he had his alarm set for 8:00 a.m. because he got an Uber at 8:53 a.m. He spoke with Dibadj that morning. He did not remember talking about the “sex sounds throughout the evening.” He remembered Dibadj saying “this is really good for John; he needs this; he’s going through a difficult time with his wife/ex-wife.” Swaine thought this was a clear implication that they had sex, but Dibadj never used the term sex. Swaine assumed Dibadj was talking about Phillips. (Swaine) Dibadj did not recall telling Swaine that it was good for Dr. Abraham that he had had sex with Dr. Phillips. (Dibadj Follow up)

Dibadj said goodbye to Swaine in the bedroom that Swaine stayed in and then went back to bed. (Swaine/Dibadj) Swaine did not see Dr. Abraham before he left (assumed Dr. Abraham was still upstairs). He did not see Phillips in the morning.<sup>37</sup>

When Swaine went downstairs, he saw women’s shoes. He went to the refrigerator to find something to eat. He made one round through the house to check that he did not leave anything. He saw a bra in the library room (the room had darker wood paneling). He left the bra there. He ate, and then left.

### **Dibadj Hears More Sexual Sounds**

According to Dibadj, at some point after returning to his room, he heard more sexual sounds. This time the sounds were more distant – he assumed the sounds were coming from Dr. Abraham’s bedroom on the second floor, which was further away. (Dibadj/Dibadj Follow Up)

### **Dr. Phillips**

In the first round of questions presented to Dr. Phillips, she was asked: “When you awoke, did you have any memory of what occurred; if so, what is that memory?”

As stated above, after a certain point in the evening I only have flashes of memory. In the morning I had partial recollections of the following events: After Dr. Abraham’s college friend from New York asked me to try the bourbon-type drink, Dr. Abraham and I

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<sup>37</sup> Swaine had no discussions with Dr. Abraham after the party. Dr. Abraham did not tell him Phillips got him drunk. Dr. Abraham did not tell him “she wanted to fuck him.” He said he would have recalled those conversations. Swaine did not know Phillips was married but knew she was a resident. He did not learn that she was married until this investigation.

were at a fire pit in his backyard. He was smoking a cigar. He handed it to me and I dropped it because of my level of intoxication. He quickly picked it up. I have no recollection of leaving the fire pit to go inside. Next, I remember being in the library on the floor with Dr. Abraham on top of me. He stated that he had wanted to "fuck me since I was a med student." I remember him urging me to go upstairs with him. I do not recall going upstairs. At this time I have no other recollections."

What time did you leave Dr. Abraham's home the next morning and how did you get home?

I do not know. I estimate leaving at 9:30 AM and arriving home approximately 30 minutes later. I drove myself home.

Because the stories of what happened the morning of June 24<sup>th</sup> presented by Dr. Phillips and Dibadj were inconsistent, we followed up with Dr. Phillips to clarify whether she had any interaction with Dr. Abraham that morning.

Dr. Phillips was asked: "Did Dr. Phillips see, speak with or have any other interaction with Dr. Abraham the morning of June 24<sup>th</sup>? If so, can she provide us with her recollection of what occurred/was said that morning prior to her leaving Dr. Abraham's house at 9:30 am."

Dr. Phillips responded:

When I awoke on the morning of June 24<sup>th</sup> I was in Dr. Abraham's bed naked, in pain, and terrified. I searched the room for my clothing without success while he was in the restroom. He returned and I asked him where my clothing was. He stated that he had put it on the crib near his bed. I asked for some Advil, which he gave me. I went to use the restroom where I saw abrasions and bruises all over my back, legs, and around my neck. After removing my tampon, I exited the bathroom. When I returned my bra was missing. I asked where it was and Dr. Abraham said it was probably in the library. He went to get it and I waited under the covers. When he returned he climbed into bed with me and began making conversation. At this time I recall the following: He complained about painful rug burns on his knees. He made a comment about having to sober up before Monday because he had many cases in the OR that day. He also made a comment about the Cuban cigar last night "putting him over." We talked about the resident on his service, who had recently become engaged and bought himself an engagement ring. He remarked about how long my legs were, calling them "showstoppers" and stating that my femur would require a very long intramedullary nail compared to his. He spun my wedding rings around my finger and mused aloud, "This is bad for so many reasons." I was afraid for both my career

and my safety and was trying to behave normally. At some point he began sucking on my left nipple and inserted a finger inside of me. He then started to have intercourse with me. He was not wearing a condom. I felt frozen. I did not physically or verbally consent to this sexual contact but I was too scared and in too much pain to physically or verbally resist. He stopped soon after when his phone began ringing. I quickly got dressed and proceeded downstairs to find my purse and shoes. I located my purse on top of the piano. He followed and saw me attempting to leave through the back door. He ushered me towards the front. I told him he did not have to walk me. He insisted, stating that he wanted to “survey the damages.” I then left Dr. Abraham’s house and drove home. I reported this information to the police in my written statement on July 6, 2018.

It is not clear to us why this information was not provided in responses to the initial questions. Specifically: Do you have a specific recollection of having sexual intercourse with Dr. Abraham?<sup>38</sup> Did you consent? “No. I was not capable of consenting.” Do you believe that as a result of your intoxication you were unable to consent to what occurred? “Yes.” Did Dr. Abraham use a condom? “I do not know.” See Exhibit 1.

#### Dibadj, Michael and Dr. Abraham’s Conversations

Michael woke up after Swaine left.<sup>39</sup> It was very quiet. He came half way down the stairs and saw Dr. Abraham cleaning up and said hello. Around that time, Dibadj texted him: “Is the coast clear?” It was from an unfamiliar number. He said “Who is this?”. He texted back “yes. I guess so. Just John downstairs and me.” Dibadj then came down. They all (Michael, Ali, and Dr. Abraham) ended up in the room at the base of the stairs (family room – adjacent to the kitchen and piano). [Dibadj also texted Dr. Abraham “are you alone” around 10:30 a.m. to which Dr. Abraham replied “I am now” at about 10:30 a.m. Dibadj did not feel comfortable providing us with his text messages.]

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<sup>38</sup> Response: I believe the premise of this question suggests consensual sexual intercourse and therefore I do not agree with it as written. I do have limited memory of being sexually assaulted by Dr. Abraham. I have difficulty remembering after a certain point in the evening. I only have flashes of memory. One of the flashes of memory I have is of Dr. Abraham being on top of me in the library on the floor. When I awoke the next morning I recall being in his bed naked, in pain, and terrified because I could not remember how I got there or all of what happened the night before. I went to use the restroom and I remembered that I had been on my period, however I could not find my tampon string. I had no memory of removing my tampon. This made me very scared. I identified the tampon deep inside and with significant effort was able to remove it.

<sup>39</sup> Michael initially told us that he thought he woke up around 7:30-8:00 a.m. based upon a text message exchange between himself and Dibadj. We later determined that because he took a screenshot of the text when in California, the phone was showing Pacific Daylight Time (PDT) instead of Eastern Standard Time (EST). The texts were, in fact, sent at approximately 10:30 a.m. EST.

According to Dibadj, Dr. Abraham told him that he and Phillips had sex. Dr. Abraham said Phillips was very adamant about having sex. Dr. Abraham told Dibadj she was saying “fuck me, John, fuck me.” (Dibadj; Dibadj Follow Up) Michael did not recall Dr. Abraham saying that Phillips made that statement. (M. Chen Follow Up) According to Michael, Dr. Abraham said “they hooked up.” He did not specify the details or say the word “sex.” (M. Chen Follow Up)

Michael said Dibadj was commenting about “how loud she was” and said “why couldn’t you finish in 15 minutes? Why did it have to take 2 hours? Doesn’t take me that long.” Abraham explained the reason it took so long was because first they had sex in the family room on the floor. At some point they got up and had left-over pizza. They then “went back at it upstairs.” They were concerned they were waking up Michael (they thought he was in the adjacent kids’ bedroom). Michael said the conversation consisted mostly of Dibadj complaining about how he could not sleep because he is a light sleeper and saying it does not take him that long. (M. Chen Follow Up)

Asked if he recalled a conversation about how long Dr. Abraham and Dr. Phillips were having sex - something like “why did it take 2 hours when it could have taken 15 minutes?” - Dibadj said he does not recall that conversation but could imagine himself saying that. He recalled talking about how Dr. Abraham and Dr. Phillips stopped to eat pizza in the kitchen. Dibadj said he thought it was gross because the pizza had been sitting out since 5 p.m. (Dibadj Follow Up)

Michael and Dibadj reported learning in the morning that Dr. Abraham and Dr. Phillips did not know each other well and had not rotated on his service. (Chen; Dibadj) Dibadj was under the impression that they were good friends (Dibadj) or that she was a resident on his team. (Dibadj Follow Up) Michael, being a former resident himself, said residents usually have reputations in the hospital. He asked Dr. Abraham “do you know anything about her? Residents can have reputations.” Dr. Abraham said “no, I don’t know her at all.” (M. Chen) Earlier that night Phillips said she came to Dr. Abraham’s house for a journal party. Michael did not think Abraham remembered her from that party. (M. Chen Follow Up). Dibadj asked Abraham about the roast. Dr. Abraham thought it was strange that she would be roasting him because they were not close. (Dibadj Follow Up)

Dibadj said Abraham was concerned about having had sex with Phillips and that he would have to tell his boss. Dibadj assumed he was concerned because doctors and residents probably should not have sex. But Dr. Abraham never said this, it was Dibadj’s assumption that this was why Abraham was concerned and had to tell his boss. (Dibadj Follow up) Michael also reported that Abraham said “I’ve got to tell my boss, this isn’t good.” (Chen Follow up)

Dr. Abraham told Dibadj that “Phillips had gotten him extra drunk that night.” He said “I’m not sure he was super proud of it.” His interpretation of Phillips getting Dr. Abraham drunk was they must have been drinking when they were alone. (Dibadj) Michael did not recall Dr. Abraham telling him that Phillips got him drunk. (M. Chen Follow Up)

Dibadj and Michael also learned in the morning that Dr. Phillips was married. (Dibadj; Dibadj Follow up; M. Chen Follow up) According to Dibadj, Dr. Abraham told them that he

asked Dr. Phillips for her maiden name. (Dibadj Follow up) They discussed that she would have to tell her husband because of the bruises. (Dibadj Follow up) Dr. Abraham said she had marks on her back and said "how is she going to hide his hand marks on her back from her husband." Asked if Abraham told Dibadj that Phillips bruises easily, he said yes. (Dibadj) Michael did not recall Abraham mentioning anything about bruises. (M. Chen Follow Up) Michael said the fact that Phillips was married contributed to Dr. Abraham's regret. (M. Chen Follow Up)

Dibadj, Michael and Abraham went to breakfast. At breakfast, Michael looked Phillips up on Google. He saw that her husband was a doctor at a Camden hospital (Cooper). (M. Chen; Dibadj Follow Up) Dr. Abraham said something along the lines of "oh no, that's pretty close to here." They thought maybe her husband lived far away. (M. Chen Follow Up)

#### **Wisniewski**

The next day at around 10:37 a.m., Wisniewski texted Dr. Abraham about keys that he had left at Abraham's house. At 10:45 am Dr. Abraham texted that he found them easily by the wall near the pool. Wisniewski texted that he could come get them. Dr. Abraham texted him at around 11:15 a.m. telling Wisniewski that he left the keys under his doormat because he had to run errands. Wisniewski's dad drove him to Dr. Abraham's house. They arrived at around 12:30 or 12:35 p.m. When they were leaving, Abraham was pulling up to his garage. He believed Abraham was alone in his car.

#### **Ciccotti**

Dr. Ciccotti and Dr. Abraham exchanged communication on Sunday regarding patient care. Ciccotti provided Dr. Abraham with patient updates. He may have left him a voicemail but probably sent a text message. Ciccotti told him there were no issues and he could call if needed. Ciccotti recalled that in response to his text message, Abraham texted him later in the day, probably the afternoon. He thinks he said thank you. Having been on his service for 7 weeks, he would sometimes get back later in the day. [Ciccotti erases all text messages as they contain patient information]

### **MONDAY JUNE 25<sup>TH</sup>**

#### **Dr. Abraham works at Rothman Center City**

Dr. Ciccotti operated with Dr. Abraham on Monday (June 25th). It was completely normal, relatively busy operative day. Dr. Ciccotti was not suspicious that anything was amiss. (Ciccotti) No one reported anything unusual on Monday. (Ciarrocchi, Kots, Mealey)

**Dr. Phillips May Have Worked in the King of Prussia Clinic**

At the time of the party, Phillips was doing a rotation at Bryn Mawr Hospital. According to Dr. Benjamin Zmistowski, who was a 4<sup>th</sup> year resident doing a rotation at Bryn Mawr at the same time as Dr. Phillips, the day usually started at 6:30 a.m. on Monday mornings for morning rounds (everyone meets to go over all patients on the service). He could not specifically remember seeing or speaking with Dr. Phillips on Monday, June 25th. He recalled William Warrender, the other 4<sup>th</sup> year resident rotating at Bryn Mawr, saying that she did not come to morning rounds. He thought Warrender had spoken to Dr. Phillips. He speculated that she was not there because she was going to King of Prussia clinic with Dr. Pedowitz.<sup>40</sup>

**TUESDAY JUNE 26<sup>TH</sup>**

According to Cicotti, Dr. Abraham usually was at Fox Chase, not Jefferson, on Tuesdays. Typically on Tuesday morning he would call Cicotti to discuss patients. That morning (June 26th), Cicotti does not think he had a phone conversation with Dr. Abraham.

**Phillips reports to Greenky**

On Tuesday, June 26th, Greenky was operating in the same surgery center as Phillips. Greenky was with Dr. Ilyas and Dr. Phillips was with Dr. Pedowitz. Greenky passed Phillips in the hall and he thought something was off. Her demeanor made him think something wrong. He asked if everything was ok. She said “no, something really bad happened, I don’t want to talk about it.”

Most surgeons run two operating rooms. Greenky asked Phillips if she wanted him to stay to help move along the day. He helped with the second room for Phillips’ surgeon. He moved things along and then Phillips came in with the doctor for the surgery. When Phillips was done at the surgery center, she asked if Greenky if he wanted to get something to eat. They went to the cafeteria. There is outside seating. It was just the two of them.

According to Greenky, Phillips said: I think something terrible happened. I think I did something to ruin my marriage but I do not know what happened. Phillips said something happened with someone at Rothman. She did not initially say it was Dr. Abraham, but she alluded to it. Asked for more detail about what she said, Greenky said that Phillips does not remember what happened. Phillips thought maybe she was drunk, but she does not remember

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<sup>40</sup> Chapman told us Phillips was probably working with Dr. Pedowitz for her preceptorship at Bryn Mawr Hospital around the time of the party. Chapman explained the rotation at Bryn Mawr would have an intern, a 2nd year, a 3rd year covers Saturday nights, and two 4th years. The 2nd year takes all overnights on Tuesdays and Sundays. She said the residents are usually at Bryn Mawr Hospital but would occasionally go to other surgery centers. Ben Zmitowski and Bill Warrender (4th years) rotated at Bryn Mawr with Phillips.(Chapman) We were not able to speak with Dr. Pedowitz.

drinking much. She woke up at his house. She told Greenky she had bruises on her back. She said the other person said "you bruise easily." According to Greenky, Phillips was worried about what it meant for her career and marriage. At some point she said: do you know who it is? Greenky said: you were at Dr. Abraham's house. Phillips nodded.

Asked if she said whether it was consensual, Greenky said she seemed confused. She said she had no recollection, and she questioned how it could have been consensual. Phillips remembered drinking but does not remember drinking enough to forget everything. Greenky did not speak with Phillips about any other aspect of the party.

Greenky said Phillips was upset and confused. She did not know what to make of it. Phillips asked Greenky what to do. He said he was not equipped to tell her how to respond. He told her she had to tell the program director (Dr. Purtill). He also advised that she get counseling and medical care.

Phillips also told Greenky that her husband, Reid Phillips, had demanded Dr. Abraham's schedule. Reid wanted to contact Dr. Abraham. Phillips thought it was going to happen that day (Tuesday). According to Greenky, Dr. Phillips contacted Dr. Abraham to get his schedule for her husband. She spoke to him on the phone that Tuesday. Dr. Abraham wanted her to sign an agreement to say he wasn't at fault or that it was consensual (something to that effect). Phillips left to do a case around 3:30/4 in the afternoon. Greenky said she was visibly upset.<sup>41</sup>

According to Dr. Phillips:

I spoke with Dr. Abraham via phone on the morning of June 26, 2018. Among other things, Dr. Abraham asked me if I told my husband that what occurred was "consensual." I thought that was a strange question to ask if nothing wrong had taken place. I asked him about my bruises. He stated that I bruised easily. I told him I had never had that problem before. He replied, "Drunk hands I guess." He then explained that there was a "board" at the Rothman Institute for "this kind of thing" that he sat on and told me I would have to sign some paperwork.

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<sup>41</sup> Phillips texted Greenky that Dr. Purtill was about to go away. (Greenky agreed to provide his text messages with Phillips, which he did after our interview). Greenky said to call Dr. Purtill. Greenky got a call from Dr. Purtill. Purtill said I am picking Jessi up and we are going to my house. He said: we'll start the appropriate process. He said to keep the matter confidential. Greenky gave Phillips a heads up that he spoke with Dr. Purtill. He thinks he texted her to give him a call. She called and he told her.

Greenky continued to check in with Phillips every couple of days. Usually just to ask how she is doing. He contacted her by phone and text. According to Greenky, eventually Phillip's husband and Dr. Purtill convinced Phillips to go to the ER. Phillips told Greenky that the ER physicians were "surprised" by what they saw. Greenky thinks she was referring to the bruising. Greenky also believes that she went to counseling. Greenky said Phillips is worried about what this means for her career.

Greenky met Phillips' husband when they went to two concerts. He was also at the graduation reception. Dr. Greenky said Dr. Phillips' husband was really upset. Greenky received a text - Reid is back home now so that's good. Greenky was not sure if that mean he was physically back home or emotionally back in her corner. Asked if he was aware of any other interaction between Dr. Abraham and Phillips, Greenky said not in his experience.

**Reid Phillips goes to Fox Chase/Speaks with Dr. Abraham by Phone**

On the Tuesday after the incident (June 26<sup>th</sup>) Dr. Reid Phillips ("Dr. Reid") drove to Fox Chase where Dr. Abraham was working.<sup>42</sup> He was very concerned about what had happened. It was a serious matter. He wanted the opportunity to discuss it with Dr. Abraham face to face.

Dr. Reid got Dr. Abraham's schedule and cell phone number from his wife. Dr. Phillips did not have Dr. Abraham's phone number but she was able to get it from one of her contacts. He believed he got that information from Dr. Phillips on Tuesday prior to going to Fox Chase.

When Dr. Reid arrived at Fox Chase, he did not know where to find Dr. Abraham. He asked at the front desk and was directed to an office. Dr. Abraham was not at that office but his secretary was. Dr. Reid identified himself as the husband of someone who worked with Dr. Abraham. The secretary made a call. It appeared to Dr. Reid that the secretary was talking to someone who was relating information to Dr. Abraham. The secretary suggested that she could hear the person communicating with Dr. Abraham. His conversation with the secretary led him to believe that Dr. Abraham was agreeable to speaking with him.

After her exchange, the secretary led Dr. Reid to a waiting room. Dr. Reid waited 20 minutes before being confronted by a security guard. The security guard was concerned that Dr. Reid's reason for being there was personal, not health care, and that was against policy. Dr. Reid agreed that he was there for personal reasons but stated that he was under the impression that Dr. Abraham was going to speak with him. Dr. Reid called Dr. Abraham's cell phone while standing with the security guard and left a message asking Dr. Abraham to come out to speak with him. Dr. Reid stated on the message that the security guard was giving him 5 minutes. The security guard allowed him to wait 5/10 minutes. Dr. Abraham did not come out. The security guard suggested that time was up and Dr. Reid left.

Dr. Abraham called Dr. Reid at approximately 4 p.m. the same day. Dr. Reid had left Fox Chase and returned home by the time he called. Dr. Reid said the interaction was very brief. Dr. Reid remembered Dr. Abraham apologizing for not answering while at the hospital. Because it was so serious, Dr. Reid asked to meet in person. Dr. Abraham agreed to meet at 6:30 p.m. that evening. Dr. Abraham identified an Au Bon Pain next to Jefferson.

Prior to the meeting, Dr. Reid received a text message from Dr. Abraham saying that he was unable to make it. We subsequently received a copy of the text messages exchange between Dr. Reid and Dr. Abraham from Dr. Reid's attorney. See Exhibit 4

In response to the text message, Dr. Reid called Dr. Abraham. Dr. Abraham accepted his call. First, Dr. Reid expressed frustration that they were not able to meet in person. Dr. Reid stated that Dr. Phillips was very much hurt by what occurred. He said he was also hurt. Immediately Dr. Abraham was apologetic. Dr. Reid said that Dr. Abraham was apologizing in a

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<sup>42</sup> Asked if she heard anything about Dr. Abraham and Dr. Phillips' husband, Domanico said she heard her husband went to see Dr. Abraham Tuesday after party and was removed. Domanico said they were not sure if he went to threaten Dr. Abraham or "work a deal." Domanico said she does not know what is true, it is all "whisper down the lane."

way that implied that a sexual encounter occurred. He made statements like he did not know she was married. Dr. Reid said that was hard to believe because they had met before and Dr. Reid was introduced as Dr. Phillips' husband. Dr. Jessica Phillips had also applied to "his program" as a married student.

Dr. Reid expressed concern that a crime had been committed. Dr. Abraham disagreed but did not provide reasons for his disagreement. Dr. Reid specifically questioned him about Dr. Phillips's bruises and abrasions. Dr. Abraham's response was that he was not the cause of those things. He said perhaps she was so drunk that she fell on the rocks around his house. (He suggested that she was very intoxicated and there were rocks around house or as part of the structure and suggested that she may have fallen into those rocks). Dr. Reid told Dr. Abraham that regardless of whether a crime was committed, he had serious concerns about him crossing ethical and professional boundaries. He said he was not fit to work with residents and asked he resign from any activity that involved him engaging with residents. Dr. Abraham agreed to discuss this with his superior, Dr. Vaccaro.

Asked what other statements Abraham made that "implied a sexual encounter," Dr. Reid said mostly Dr. Abraham was saying he did not know she was married. He said there was a lot of drinking happening at the party. Abraham also wanted to be clear that there had been no relationship prior to that. By that, Dr. Reid thought he meant there had not been romantic conversations or prior sexual encounters. Dr. Reid's understanding was that they only had a professional relationship. (Dr. Abraham did not specifically say that – it is what Dr. Reid assumed). Dr. Reid explained that Dr. Phillips had not done the tumor rotation. But she had done rotations as medical student – so they had a long standing relationship. Dr. Reid may have expressed that the police were not involved immediately as his wife was not ready for that to occur.

Asked if Dr. Abraham said anything suggesting that the incident was consensual – if he used the word consensual or connoted that it was consensual - Dr. Reid said when he denied a crime was committed, he assumed that was what he saying (that it was consensual). But Dr. Abraham did not discuss what happened. Instead he suggested that Dr. Reid ask his wife what happened. Dr. Reid said that several times he probed for information. For example, after Dr. Abraham denied responsibility for the bruises, Dr. Reid said: what did occur exactly? Dr. Abraham would say: you should ask your wife. Obviously that comment was upsetting. Dr. Reid asked again what exactly did occur? What are you responsible for? Dr. Abraham said you have to ask your wife.

The only thing Dr. Abraham said about Rothman was that he expected to be punished in some form. He did not elaborate. Dr. Reid said he requested that Dr. Abraham resign from activities related to residents. Dr. Abraham said that he had already spoken with Dr. Vaccaro – he did not say what they discussed. In that conversation he said he believed there would be a punishment.

**Dr. Abraham Calls Dr. Vaccaro**

Sometime between 4 pm and 5 p.m. on Tuesday, Dr. Abraham called Dr. Vaccaro and said: “I made a big mistake” I had sex with Jessica Phillips. Vaccaro asked: the resident? Abraham said yes. Vaccaro asked: isn’t she married? Abraham said yes. Vaccaro said: you’re going to get killed. Abraham told him that Phillips’s husband came to Fox Chase. Vaccaro told him to avoid the husband. Abraham also told him the sex was consensual. (Vaccaro)

Dr. Vaccaro informed Kristin Barrett, Associate General Counsel at TJU Hospital, that one of his surgeons informed him that he had slept with a resident, the resident’s husband knew, and the husband was trying to contact Dr. Abraham.<sup>43</sup>

**Dr. Phillips Contacts Dr. Purtill**

Purtill was at the Philadelphia International Airport waiting to board a flight to Boston for a conference when he received a text message from Phillips asking to meet. Purtill responded he is going to Boston. Phillips replied that it could not wait. Purtill called Phillips. Phillips was crying and asked Purtill not to ask any questions or interrupt her as she explained her version of the events.<sup>44</sup>

Phillips told Purtill she was at a party at Abraham’s on Saturday, June 23, 2018. She said she was intoxicated, had no memory of the evening, woke up and “noticed she had sex with someone,” and had bruises on her neck and back. Purtill did not question her about how she knew she had sex. Phillips told Purtill she received a call from “him” the next day, he apologized and asked her to sign a consent form that the sex was consensual, and that “they had committees that deal with prostitution.” Phillips commented she could not believe he asked her to do such a thing and that there were committees in place for this. At the time, Purtill did not know “him” was referring to Abraham. Phillips later confirmed it was Abraham. The only reason he questioned if it was Abraham was because the party was at his house.<sup>45</sup>

Phillips called Purtill on his cell phone on Friday, June 29, 2018 and expressed her concerns about running into Abraham at the hospital or in the parking lot. She asked Purtill: “What am I going to do?” Purtill replied residents do not typically transfer. He told her not to

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<sup>43</sup> Vaccaro later told Barrett that Abraham and the resident were at a party and had sex all night – for 6 hours. The resident got up and said I am going to tell my husband and left Abraham’s house. (Barrett) At some point, Abraham told Vaccaro that he spoke to Phillips’ husband two times and that the husband agreed the relationship was consensual. He also said Abraham and Phillips had a conversation on Tuesday and discussed that it was consensual. (Vaccaro)

<sup>44</sup> Purtill described Phillips as exceptional even among the residents in her class. He described Phillips as organized, professional, and as a rule follower. He told us Phillips always logged her cases, and typically he has to push his residents to keep track of their cases. Purtill told us she did an outstanding performance as a resident, was hardworking, relatively well liked by her peers, but has high expectations for herself and others.

<sup>45</sup> This was the end of Phillip’s rotation at Bryn Mawr Hospital, and she was scheduled to begin her next rotation at DuPont on July 1, 2018. On Friday, June 29, 2018, Phillips called Purtill to alter the DuPont schedule because she would not be there.

worry about having to rotate with Abraham in her 4th year. He just wanted to focus on her getting better. He even offered to “set her up with something for residency.”

Purtill told us Phillips flew back home with her husband and hired a lawyer to represent her. Purtill mentioned her attorney was in Montgomery County and was associated with the District Attorney’s office. Phillips told Purtill everyone is urging her to press charges, and she received a medical evaluation. She asked for Purtill’s advice, and he told her to consider the pluses and minuses, but ultimately it is her decision. He told her if it was his daughter, this would be tough to go through, but she should press charges if she wants to. He also told her if she decided not to press charges, she cannot beat herself up about it.

Purtill mentioned that Phillips told him she was concerned that because the last two people at the party aside from her were Abraham’s two college best friends, they would cover for him.

After speaking with Phillips on the phone, Purtill left the airport, and picked up Phillips at Bryn Mawr Hospital. Purtill described Phillips as a “basket case.” She could not carry out her duties at work, and had nowhere to go. Purtill noticed bruising on her elbow when he picked her up. When Phillips told her husband, he took off his wedding ring and left. Accordingly, Purtill took Phillips to his home with his wife and daughter, where she slept in the spare bedroom. Purtill spoke with Greenky that evening to instruct him to arrange for coverage at the hospital. Purtill also spoke with Vaccaro, and informed him of the above information. Vaccaro said Abraham already told him and university counsel had been informed.

Vaccaro then called Purtill and informed him Abraham had been temporarily suspended pending investigation. See Exhibit 5 (Purtill’s Memo).

#### **Vaccaro/Barrett Contact**

Dr. Vaccaro learned from Dr. Purtill that the resident was claiming she was raped.<sup>46</sup> Dr. Vaccaro informed Barrett and told Barrett to call Dr. Purtill.

Barrett called Dr. Purtill. Purtill identified the resident as Jessica Phillips. Dr. Purtill explained that Phillips would not call the police. Dr. Purtill had asked Barrett to call the resident.

Barrett called Phillips around 10 p.m. Barrett explained who she was. Phillips did not say much. Barrett said she had raised a complaint to Dr. Purtill that she was raped by an attending. Barrett asked if she wanted to contact a medical professional or the police. Phillips said: I don’t want to discuss it. Barrett said that was fine and explained that the purpose of the call was to provide her contact information for two counselors. Barrett also asked whether they could

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<sup>46</sup> According to Vaccaro, he then received a call from Dr. Purtill. He was with Dr. Phillips who said she had been raped. Phillips had bruises on her body. She said she did not remember anything. Vaccaro called Barrett and told her apparently the sex was not consensual. They discussed advising her to go to the police.

discuss, if she wanted to take a leave, how long she wanted.<sup>47</sup> Phillips said I am really sleep deprived. I cannot have a meaningful conversation. In the meantime, leave through end of week should be good. Barrett texted Phillips the phone numbers for Certa, Nobleza and Karen Novielli. There was nothing substantive discussed during the conversation.

After speaking to Dr. Phillips, Barrett called Dr. Purtill. He agreed to leave until the end of the week. Barrett explained that Phillips would need medical clearance before returning to work. Barrett said to encourage her to have an appointment in morning. (Phillips was to leave his house in morning)

### WEDNESDAY JUNE 27<sup>TH</sup> – FRIDAY JUNE 29<sup>TH</sup>

According to Ciccotti, Abraham usually rounds on Wednesday. Abraham notified Ciccotti on Wednesday (June 27th) that he would not be coming into the hospital. Something about the wording of the text prompted Ciccotti to ask if everything was ok. Abraham responded something along the lines of “I don’t know.” Ciccotti said that over the course of that week – Thursday and Friday – it was clear something going on.

On Wednesday and Thursday, Ciccotti was concerned that Abraham or someone in his family had a health issue. Ciccotti was doing his best to take care of patients in Abraham’s absence. Ciccotti saw one or two patients who could not be rescheduled in conjunction with Dr. Michael Rivlin. One of the patients was having an issue and needed intervention. Ciccotti and Abraham had a brief conversation over the phone. Ciccotti was sensitive to the fact that something was going on; he did not discuss it. The call was entirely focused on the patient. Ciccotti was anxious to ensure that the patients were getting appropriate care. On Thursday afternoon, Ciccotti began to hear conjecture from other residents that Abraham may be out for something “more concerning.” Ciccotti contacted Dr. Purtill for guidance on how to manage patients. Dr. Purtill instructed him to discuss any issues with Scott Brown. He does not recall any other discussions with Abraham. They may have discussed something briefly but he did not make normal calls to Dr. Abraham that weekend.

On the Wednesday or Thursday after the party, Kots texted Abraham “I don’t want to know any details or anything, but if you want to talk, I’m here for you.” Abraham replied “thanks.” Kots also saw and waved to Phillips on the street near TJU on the Wednesday or Thursday after the party, but she ignored him.

On Wednesday, June 27, 2018, Purtill urged Phillips to get help. Phillips agreed and asked Purtill to arrange for counseling. Purtill set up an appointment with Deanna Nobleza through Dr. Ken Certa for student personal counseling the next day, Thursday, June 28, 2018, at noon. Purtill’s wife drove Phillips to Bryn Mawr Hospital, and then her apartment near Jefferson University, waited for her to shower, and accompanied her to the crisis center for her appointment. She made sure Phillips went in to her appointment, and then left shortly after.

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<sup>47</sup> Phillips had a new rotation was starting that next Monday (DuPont). Barrett was not sure if she wanted to take leave through end of week. Barrett was going to explain that they would give her whatever time she needed and that she needed to be cleared before she could return.

Also on Thursday, Phillips' husband called Purtill and thanked Purtill for taking care of Phillips. On the same day, Purtill emailed Phillips she should hold off on starting at DuPont. Phillips did not respond, so Purtill texted Phillips' husband asking Phillips to check her email, and Phillips responded that this arrangement was fine.

#### Dr. Phillips Photos

Dr. Phillips was asked: "Did you suffer any injury, however minor, during this encounter?" Dr. Phillips responded:

Yes. I awoke with abrasions and innumerable bruises on various parts of my body including my back, legs, and around my neck. I continued discovering new bruises in the days following. I have attached photos of the bruises and abrasions that I observed."  
(Responses [DATE])

We received photographs from Dr. Phillips's attorney on July 27, 2018.<sup>48</sup> We reviewed the photographs with Dr. Phillips's attorney on August 3, 2018.

The photographs are marked 4625 through 4645. According to Dr. Phillips' attorney, photos 4625 – 4639 were taken on Sunday, June 24<sup>th</sup> and Monday, June 26<sup>th</sup>. Photos 4640 – 4645 were taken on Thursday, June 28<sup>th</sup>. Her attorney also provided that there were at least two additional areas of her body photographed by the SANE nurse but he did not have those photographs. He clarified that the brown mark/discoloration depicted in at least one photo [e.g. 4634] on what appears to be Dr. Phillips's right leg is a birthmark. (8/16/18 Email from S. Ryan)

Notable marks are two small, faint marks on the front of her neck (4639); a bruise on her lower back (4625); bruising on the backs of her thighs (4644 and 4645)

**REDACTED**

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<sup>48</sup> Due to privacy concerns, the photographs have not been attached as exhibits to this Report.

**REDACTED**

**Dr. Phillips Returns to Jefferson**

In mid-July, Dr. Sandrowski and Dr. Chapman texted Phillips to say good luck because they heard from Dr. Purtill that Phillips was returning to work that week. Phillips told them she was returning to the residency, but that she could not do her DuPont orientation until August 1<sup>st</sup> and would start after the orientation.

They then met for coffee. When Sandrowski, Phillips, and Chapman met, they did not talk about any details of the allegation. They asked her how she was doing generally. Sandrowski said she and Chapman made a point not to discuss the night. (Sandrowski) Phillips told them she was going stir-crazy. Phillips asked her about the perception of the residents. Chapman reassured Phillips the residents are being supportive. Chapman told us the gossip has quieted down since after the party. Chapman has texted Phillips a couple of times since then. (Chapman)

Sandrowski said Phillips briefly brought up Abraham but did not want to relay what Phillips said. Sandrowski would only confirm that Phillips' comments were not about what had happened on June 23rd. She told us Phillips' comments were about returning to work and possible future interactions with Abraham. She would only provide that Phillips was "upset and did not like her interaction with him." (Sandrowski)

Ciccotti saw Dr. Phillips at a lecture on July 30th. He did not speak with her directly. He said she appeared ok. He noted her presence because she has been absent. He said it felt awkward to say anything. There are typically lectures from 5 to 7 on Monday evenings. (4 hours of didactics a week). During the summer, they do anatomy dissections and this was one of those sessions. There were 15 to 20 residents at the session. There had been an announcement about Dr. Phillips' return at one of the Friday morning lectures. Ciccotti believed it was 2 weeks before our interview. Dr. Purtill acknowledged her absence and said that she would be returning.

**Dr. Phillips' Character Witnesses**

At the request of Dr. Phillips' attorney, we interviewed three witnesses as to Phillips' character for truthfulness. Dr. Antonia Chen, who worked with Phillips when Chen was at Rothman, and two close friends, Young Y. Nelson and Dr. Anna Fox. All three described her as a truthful and honest person.

CONCLUSION

At this juncture, we have concluded our investigation. We have requested an interview of Dr. Abraham. His counsel, however, has stated that Dr. Abraham will agree to an interview, assuming that the ongoing criminal investigation resolves in his favor (e.g., a decision not to charge him). As we have no assurance what, if any decision, the Montgomery County District Attorney's office may reach, or its timeframe, we have concluded our work at this time pending further direction.

## **EXHIBITS**

**Exhibit 1 –Dr. Jessica Phillips’ responses to “Questions for Dr. Jessica Phillips” & Supplemental Question and Response**

**Exhibit 2 – Yotter Menu for June 23, 2018**

**Exhibit 3 – Group Photo from Dr. Schwenk / June 23, 2018 at 11:59 p.m.**

**Exhibit 4 – Text Messages from Dr. Abraham to Dr. Reid Phillips**

**Exhibit 5 – Dr. James Purtil’s Memorandum**

# EXHIBIT 1

QUESTIONS FOR DR. JESSICA PHILLIPS

1. How many attended the party on the evening of June 23?

I do not know an exact number of people that attended. I would estimate 30 people were present throughout the evening.

2. What were you drinking and how much alcohol do you think you consumed?

To the best of my recollection, I served myself two small glasses of red wine. I was served a mixed drink by Sharlene, an OR nurse. Dr. Abraham's college friend from Singapore served me two drinks which I was told were vodka and tonic. Dr. Abraham's other college friend from New York served me a drink from a special bottle; I was not told what it was however it tasted like bourbon. Because I do not remember certain portions of the evening, I do not know if I consumed any more alcohol.

3. Were you being served alcohol by Dr. Abraham?

I do not recall Dr. Abraham serving me alcohol directly. I believe that he purchased whatever alcohol I consumed.

4. Was any food served at the party and did you partake?

I do not recall if food was available. I did not eat any food.

5. What time did the party end?

This question is vague and therefore it is difficult to provide an answer. I do not know if there was a specific time that the party was supposed to end or in fact did end.

6. Do you believe you were intoxicated?

I was intoxicated.

7. In your opinion, did Dr. Abraham know you were intoxicated?

Yes.

8. Why did you stay at Dr. Abraham's home after others departed?

This question is vague and therefore it is difficult to provide an answer. Because I do not have a complete memory of the evening I do not know if I was the only person to stay in Dr. Abraham's home overnight. I stayed because I drank more than I intended to. I was too intoxicated to drive and planned to sleep on the couch until it was safe to drive. I may have stated this to Dr. Abraham.

9. Do you have a specific recollection of having sexual intercourse with Dr. Abraham?

I believe the premise of this question suggests consensual sexual intercourse and therefore I do not agree with it as written. I do have limited memory of being sexually assaulted by Dr. Abraham. I have difficulty remembering after a certain point in the evening. I only have flashes of memory. One of the flashes of memory I have is of Dr. Abraham being on top of me in the library on the floor. When I awoke the next morning I recall being in his bed naked, in pain, and terrified because I could not remember how I got there or all of what happened the night before. I went to use the restroom and I remembered that I had been on my period, however I could not find my tampon string. I had no memory of removing my tampon. This made me very scared. I identified the tampon deep inside and with significant effort was able to remove it.

10. Did you consent?

No. I was not capable of consenting.

11. When you awoke, did you have any memory of what occurred; if so, what is that memory?

As stated above, after a certain point in the evening I only have flashes of memory. In the morning I had partial recollections of the following events: After Dr. Abraham's college friend from New York asked me to try the bourbon-type drink, Dr. Abraham and I were at a fire pit in his backyard. He was smoking a cigar. He handed it to me and I dropped it because of my level of intoxication. He quickly picked it up. I have no recollection of leaving the fire pit to go inside. Next, I remember being in the library on the floor with Dr. Abraham on top of me. He stated that he had wanted to "fuck me since I was a med student." I remember him urging me to go upstairs with him. I do not recall going upstairs. At this time I have no other recollections.

12. What time did you leave Dr. Abraham's home the next morning and how did you get home?

I do not know. I estimate leaving at 9:30 AM and arriving home approximately 30 minutes later. I drove myself home.

13. How soon after this incident did Dr. Abraham apologize and request you sign a "form" saying the encounter was consensual?

This question is vague and therefore it is difficult to provide an answer. I spoke with Dr. Abraham via phone on the morning of June 26, 2018. Among other things, Dr. Abraham asked me if I told my husband that what occurred was "consensual." I thought that was a strange question to ask if nothing wrong had taken place. I asked him about my bruises. He stated that I bruised easily. I told him I had never had that problem before. He replied, "Drunk hands I guess." He then explained that

there was a "board" at the Rothman Institute for "this kind of thing" that he sat on and told me I would have to sign some paperwork.

14. Are there others who attended the party that are able to verify your level of intoxication; if so, who are those people?

I believe this question is vague and therefore it is difficult to provide an answer. I can say that the last people I remember seeing other than Dr. Abraham were his two college friends. The last conversation I recall having with someone I had known prior to attending the party was with Vince.

15. When the party ended, were you and Dr. Abraham the only people in the home?

This question is vague and therefore it is difficult to provide an answer. I do not know when the party "ended" or if in fact there was a specific time it was supposed to "end." I can say that at least one of his college friends had told me earlier in the night that he was staying at Dr. Abraham's home.

16. Did you suffer any injury, however minor, during this encounter?

Yes. I awoke with abrasions and innumerable bruises on various parts of my body including my back, legs, and around my neck. I continued discovering new bruises in the days following. I have attached photos of the bruises and abrasions that I observed.

17. Do you believe that as a result of your intoxication you were unable to consent to what occurred?

Yes.

18. Do you have any reason to believe you were drugged?

This question is vague and therefore it is difficult to provide an answer. I do not know whether I was drugged or not.

19. Did Dr. Abraham use a condom?

I do not know.

20. On what date did you report this to law enforcement?

July 6, 2018.

21. Did you have any conversations or interactions with the individuals identified as Dr. Abraham's "college roommates" or "college friends" during the course of Dr. Abraham's June 23<sup>rd</sup> party? If yes, please recount the details of those conversations or interactions.

To the best of my recollection, I had several interactions with them. They recounted funny stories from college. They described a time when Dr. Abraham attempted to order a whopper at Burger King in French and also told stories relating his difficulty with “ball sports.” They asked me about residency and how it was to work with Dr. Abraham. His friend from Singapore explained that he had done some kind of TED talk and showed me a clip. His friend from New York gave me a tour of the house and talked about the various times he had visited.

22. Did you have an interaction with Vince DeJoseph at the piano in Dr. Abraham’s home at the end of the night? If yes, what do you recall about that interaction?

I believe the term “end of the night” is vague, however I did interact with Vince. The interaction occurred close in time to when I started losing my complete memory of the evening. While Vince was playing the piano I sat down next to him and expressed surprise. I had known him since I was a student but did not know he could play. He explained how he had learned. I believe he said he was self-taught. Prior to the party I had not seen him for some time. I asked how he had been and how his girlfriend was. He explained that they had broken up but that he was doing fine. The college friend from New York showed me a special bottle in a cabinet nearby and poured me a drink of it. I do not recall seeing Vince again after that.

QUESTIONS FOR DR. JESSICA PHILLIPS: SUPPLEMENT

23. Did Dr. Phillips see, speak with or have any other interaction with Dr. Abraham the morning of June 24<sup>th</sup>? If so, can she provide us with her recollection of what occurred/was said that morning prior to her leaving Dr. Abraham's house at 9:30 am.

When I awoke on the morning of June 24<sup>th</sup> I was in Dr. Abraham's bed naked, in pain, and terrified. I searched the room for my clothing without success while he was in the restroom. He returned and I asked him where my clothing was. He stated that he had put it on the crib near his bed. I asked for some Advil, which he gave me. I went to use the restroom where I saw abrasions and bruises all over my back, legs, and around my neck. After removing my tampon, I exited the bathroom. When I returned my bra was missing. I asked where it was and Dr. Abraham said it was probably in the library. He went to get it and I waited under the covers. When he returned he climbed into bed with me and began making conversation. At this time I recall the following: He complained about painful rug burns on his knees. He made a comment about having to sober up before Monday because he had many cases in the OR that day. He also made a comment about the Cuban cigar last night "putting him over." We talked about the resident on his service, who had recently become engaged and bought himself an engagement ring. He remarked about how long my legs were, calling them "showstoppers" and stating that my femur would require a very long intramedullary nail compared to his. He spun my wedding rings around my finger and mused aloud, "This is bad for so many reasons." I was afraid for both my career and my safety and was trying to behave normally. At some point he began sucking on my left nipple and inserted a finger inside of me. He then started to have intercourse with me. He was not wearing a condom. I felt frozen. I did not physically or verbally consent to this sexual contact but I was too scared and in too much pain to physically or verbally resist. He stopped soon after when his phone began ringing. I quickly got dressed and proceeded downstairs to find my purse and shoes. I located my purse on top of the piano. He followed and saw me attempting to leave through the back door. He ushered me towards the front. I told him he did not have to walk me. He insisted, stating that he wanted to "survey the damages." I then left Dr. Abraham's house and drove home. I reported this information to the police in my written statement on July 6, 2018.

# EXHIBIT 2

### **Menu for Saturday June 23, 2018 6-12**

*Passed hors d'oeuvres from 6-9*

Smoked salmon, herb cream cheese and cucumber crostini

Tomato, mozzarella and basil skewers

Cheese grits and andouille sausage (mini cups, spoons)

Cilantro lime marinated chicken sliders with avocado salad (bamboo picks)

Fillet of beef sliders with gorgonzola, fig jam, caramelized onions and arugula (Bamboo picks)

Phyllo cups with red pepper hummus, diced cucumbers, red and yellow peppers (mini cupcake paper)

Brie and mushroom tartlets with raspberry preserves (mini cupcake paper)

Sesame chicken bites (bamboo cones)

Mini peppers stuffed with sausage (mini cupcake paper)

Gnocchi/spicy red sauce Asian Spoons)

#### ***Seafood Table 8-9pm or until its gone***

U 15 cocktail shrimp

Raspberry point oysters on the 1/2 shell

Top neck Clams on the 1/2 shell

Tuna Tartar (asian spoons)

Cocktail crab claws (if they have them)

Cocktail sauce/Lemon

***Gelato Bar and Biscotti Bar  
set up after seafood bar***

# EXHIBIT 3



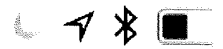
CONFIDENTIAL

JEFFERSON000741  
P1.72

# EXHIBIT 4

Verizon LTE

4:48 PM



+1 (617) 429-3985

iMessage

Tue, Jun 26, 6:08 PM

Have not left hospital yet. I'm  
on call and have a bunch of  
consults to see.

I can call you later tonight.

The sender is not in your contact list.  
**Report Junk**

Verizon LTE

4:48 PM



+1 (617) 429-3985

iMessage

Tue, Jun 26, 6:08 PM

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consults to see.

6:08 PM

I can call you later tonight.

6:12 PM

The sender is not in your contact list.  
**Report Junk**

# EXHIBIT 5

On 6/26/18 I was at the Philadelphia airport waiting to fly to boston for AOA meeting. I was called by JP. She was crying and asked me not to ask any questions or interrupt until she was finished telling me what follows:

She went to a party held by John Abraham the Saturday before. She said she got intoxicated. She woke up the next morning with no memory of most of the evening. She noticed that she had had sex with someone. She also noticed she had bruises on her neck, and back. She said "he called me up and apologized and told me he wanted me to sign something that said that the sex was consensual".

She told her husband who took off his wedding ring.

She went to work Monday and Tuesday but was having trouble and confided the situation with another resident Max Greenky. Max urged her to let me know.

When I spoke with her, she was very emotional. It was clear to me that she would be unable to carry out her duties that night (she was on call at BMH). She said she had no where to go given her husband's reaction to what she told him. I left the airport, picked her up at BMH and took her to my house. My wife and daughter were home as well. I offered to accompany her to police. She declined. I offered to take her for medical help. She declined.

I called Max Greenky and instructed him to arrange coverage at BMH. He did.

JP later confirmed that it was John Abraham when I asked her if it was him.

I called Alex Vaccaro who was aware already. I told Alex the information above. He had already told university counsel.

University counsel Kristen Barnett called me. I repeated the information above to her. She noted that the university would obtain outside counsel to investigate.

Alex called me again saying that John Abraham had been suspended pending investigation.

JP stayed at my house in spare bedroom.

6/27/18 I got email summarizing university counsel plan. I urged JP to see the Jefferson crisis counselors. I called Dr. Ken Certa and he arranged for JP to be seen by Deanna Nobleza.

My wife, JP and I rode in my car to BMH. My wife drove JP in her car to her apartment. JP took a shower and my wife and she went to meet Dr. Nobleza. My wife left after Dr. Nobleza came out to meet JP.

At this time I was repeating the above information to Dr. Rothman, Mike West, Mike Sileski and Brenna Woods (HR).